

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 9/2/2020 5:49:00 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Crawford, Lydia [Crawford.Lydia@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: Summary of Bayer's mitigation plan + BASF's letter
Attachments: Label considerations 8-24-20.pdf

Hello Sarah:

For your convenience, here is the BASF mitigation plan to summarize (attached).

Also, here is the summary of Bayer's mitigation proposal that I wrote a few weeks ago:

1. Mandating that XtendiMax be tank mixed with additional volatility-reduction agents and drift-reduction adjuvants.
2. Expanding XtendiMax's mandatory downwind drift buffers from 110 to 250 feet.
3. Changing the growth stage timing requirements for XtendiMax OTT applications over soybeans. Specifically, allowing applications only through soybean V4 vegetative stage. Note that the recently vacated labelling had a cutoff at the R1 reproductive stage.
4. Encouraging the use of shielded and hooded spray systems by allowing an exception to the expanded downwind buffer and narrowed application window on OTT soybean application for applicators who can employ appropriate shielded or hooded sprays systems.
5. General suggestions for increased label clarity, such as better using tables for specific crop use directions to improve readability.
6. ***NEW SINCE WHITE PAPER* Proposal for an OTT uses only label.**

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 9/10/2020 9:58:28 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: FW: Updated Slide Deck to Fill in for Dicamba Briefing Tomorrow
Attachments: Dicamba OPP Schedule Update for 9-8-2020 Week by Week EFED input.docx

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Tuesday, September 08, 2020 5:35 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: RE: Updated Slide Deck to Fill in for Dicamba Briefing Tomorrow

Meg

Here are edits to the timelines. Some have passed and others are still very TBD because we are dependent on getting a call on the buffer distance we will work with. Cant do ESA until we have that call. Other dates will obviously be dependent on getting timely feedback on our analysis and documents.

Happy to discuss if you want

mark

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, September 08, 2020 8:31 AM
To: Becker, Jonathan <Becker.Jonathan@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kells, Bradley <kells.bradley@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Orlowski, John <Orlowski.John@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Wyatt, TJ <Wyatt.Tj@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Harwood, Douglas (Ethan) <harwood.douglas@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: FW: Updated Slide Deck to Fill in for Dicamba Briefing Tomorrow

Good morning, BEAD and EFED:

I have updated the structure of the dicamba briefing slide deck for tomorrow to incorporate the guidance that Marietta provided last week.

Please edit the live deck on MS Teams. We will discuss the slides as a group at this week's 1pm dicamba team meeting.

A static copy is also attached for your reference.

Thank you,
Meg

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Friday, September 04, 2020 1:20 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Dicamba Briefing

Outline for the briefing with Alex:

- Recap where we are on mitigation negotiations with each company
- Present the detailed schedule
- Answer basic question – do engenia, xtendimax and tavium behave differently in the environment? Is there a difference between bayer’s proposal to tank mix xtendimax with VGX (or approved buffering agent) vs. BASF’s proposal to tank mix engenia with an approved buffering agent
- Team recommendation for a response on the use of a mandatory buffering agent to mitigate volatility (VGX or other qualified agent) – integrate EFED, RD, BEAD, OGC
- Team recommendation for a response on the use of a growth stage cut-off date to encourage early season use – integrate RD, BEAD, OGC
- Team recommendation on a specific cut-off date(s) to achieve early season use– integrate EFED, RD, BEAD, OGC
- Team recommendation (or options) for the downwind buffer distance FIFRA and ESA – integrate EFED/BEAD/RD
- Any other team recommendations?
- Backpocket:
 - o EFED analyses to support recommendations
 - o Any BEAD analyses to support recommendations

Let’s review slides a Tuesday’s team meeting at 1 pm. Please let me know if you have any questions/comments/concerns.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, September 3, 2020 5:32 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: Dicamba Briefing

Hi Marietta. Meg and I have been talking about the briefing next week, and we’re both confused on what the focus is. Are we only supposed to address the questions she received before? Or are we supposed to recycle some of the slides from the previous briefing on where we are? Or are we supposed to address our feedback on what we think the mitigation should be? We’re not sure what we are shooting for, so some information on what’s expected would be really helpful.

Thanks,
Dan

Daniel Kenny, Chief
Herbicide Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 10/27/2020 2:51:55 PM
To: Echeverria, Marietta (Echeverria.Marietta@epa.gov) [Echeverria.Marietta@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Crawford, Lydia [Crawford.Lydia@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: FW: Can EPA clarify the status of the use of this pesticide

Hi Dan and Marietta:

When either of you speak with outside groups/individuals about the 2020 dicamba decision, please note that EPA may need to clarify that this decision doesn't mean you can once again use any existing stocks of the earlier, cancelled 2018 products.

I explained this to FEAD in the exchange below, but we are being asked and it may come up again.

- Meg

From: Piper, Maya <Piper.Maya@epa.gov>
Sent: Tuesday, October 27, 2020 10:39 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Lara, Rhina <Lara.Rhina@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Can EPA clarify the status of the use of this pesticide

Thanks Meg. I will take this into account for future press inquiries—OCSPP IO just told me that we are not going to respond to this specific inquiry.

Maya Piper (*she/her/hers*)
Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Office: (202) 731-8966 | Cell: (231) 493-2745

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, October 27, 2020 10:31 AM
To: Piper, Maya <Piper.Maya@epa.gov>
Cc: Lara, Rhina <Lara.Rhina@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Can EPA clarify the status of the use of this pesticide

Hi Maya:

For a more direct answer to the reporter's questions, you may want to clarify that you STILL can't use the old products. Those registrations remain cancelled. Any use of remaining stocks of those vacated registrations is illegal.

EPA just happens to now be registering new products that are similar to the old ones but that have important differences on their label requirements. Furthermore, the new products only allow OTT use on cotton and soybeans until the July and June cutoff dates, which have already passed for this year.

Re. your text, if you do keep in the background info, please update to reflect that there was a single cancellation order that covered the three vacated products, not multiple cancellation orders.

- Meg

From: Piper, Maya <Piper.Maya@epa.gov>
Sent: Tuesday, October 27, 2020 8:31 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: Can EPA clarify the status of the use of this pesticide

Hi Meg,

We received this press inquiry about dicamba yesterday. Given the registration decision today, we are not going to respond to the reporter **until 4:30 p.m.** All of the language was pulled from the web content and press release. We are not sure the background is necessary since we are linking to the press release and registration decision in the response. What do you think?

Incoming:

Are farmers still allowed to use dicamba at this point? There was a court order that said they had until July 31 to use existing stocks. But I don't know whether that changed. Deadline: tomorrow Noon.

Response:

Today, EPA announced the registration [link to press release] of two end-use dicamba products and extended the registration for one dicamba product, all for applications only on dicamba-tolerant cotton and dicamba-tolerant soybeans (EPA Registration Numbers 100-1623, 264-1210, and 7969-472). These products will automatically expire in December 2025 unless EPA takes further action to amend the registrations. The new registrations include label changes that will further restrict the use of "over-the-top" (OTT) dicamba applications. This registration action meets the regulatory standard of causing no unreasonable adverse effects to either human health or the environment.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

Background:

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and in 2018. In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA issued cancellation orders outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.

EPA believes that the new registration decision addresses the concerns expressed in regard to EPA's 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. Further, EPA concluded that with the control measures now required on labels, these actions either do not affect or are not likely to adversely affect endangered or threatened species.

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Monday, October 26, 2020 4:47 PM
To: OPP FEAD CSB <OPP_FEAD_CSB@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: FW: Can EPA clarify the status of the use of this pesticide

Hello,

Please see the below. Her deadline is noon tomorrow.

Thanks,

Angela

From: Rizzuto, Pat <prizzuto@bloombergindustry.com>
Sent: Monday, October 26, 2020 4:45 PM
To: Press <Press@epa.gov>
Subject: Can EPA clarify the status of the use of this pesticide

Are farmers still allowed to use dicamba at this point? There was a court order that said they had until July 31 to use existing stocks. But I don't know whether that changed. Deadline: tomorrow Noon.

Pat Rizzuto

(*she/her*)
Sr. Chemicals Reporter

Bloomberg Law's Environment Desk

Temporarily (202) 441-2729
prizzuto@bloombergenvironment.com
@patrizzuto

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 9/16/2020 3:55:46 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: FW: Dicamba

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, August 25, 2020 10:59 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: FW: Dicamba

FYI – this also went to Rick, so I imagine it will be going around the IO as well.

From: Ford Baldwin <ford@weedconsultants.com>
Sent: Tuesday, August 25, 2020 10:47 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Dicamba

I have attached three photos of soybean fields I have inspected in 2020- two from Arkansas and one from South Dakota. I have also attached a photo of a sycamore tree and one of a ginkgo tree.

I have travelled extensively throughout Arkansas, Missouri, West TN, Iowa and South Dakota this summer and the soybean photos are very representative of what happened to any farmer who had the audacity to try to grow any soybeans other than Xtend. Why are these farmers not receiving equal consideration- compared to those who want the Xtend technology- in the registration process? For a farmer to not have the right to grow anything he chooses without the fear of chemical trespass- is simply wrong. Some say things are getting better as complaint numbers are down. In Arkansas we have over 200 alleged dicamba complaints, down from nearly 1000 in 2017. Does that make 200 good? Two hundred complaints on a single herbicide would have been unheard of prior to Xtend crops. Also most all of our dicamba applications occurred after the May 25 cutoff so farmers are simply giving the middle finger to regulations. I observed the same in SD. In SD the state will not send an inspector out unless the complainant names the perpetrator. They won't go look but claim they have less complaints than last year. Go figure. The MO Department of AG won't respond to a dicamba complaint so sure their numbers are down. In addition many growers have surrendered to the company marketing model, defensive planting, and that has helped soybean complaint numbers. Does this make it right. Many folks just don't complain because nothing ever comes of it.

You will note in the photos I sent there are no drift patterns. The field in the first photo is one of 1400 acres that were perfectly uniform in damage. That is simply caused by atmospheric loading of dicamba volatiles. There was not a direct potential dicamba source within line of sight of any field. I found the same thing in SD. Also up I-29 from the bottom to top of Iowa you can pick out every Xtend and non-Xtend field at Interstate speed limits.

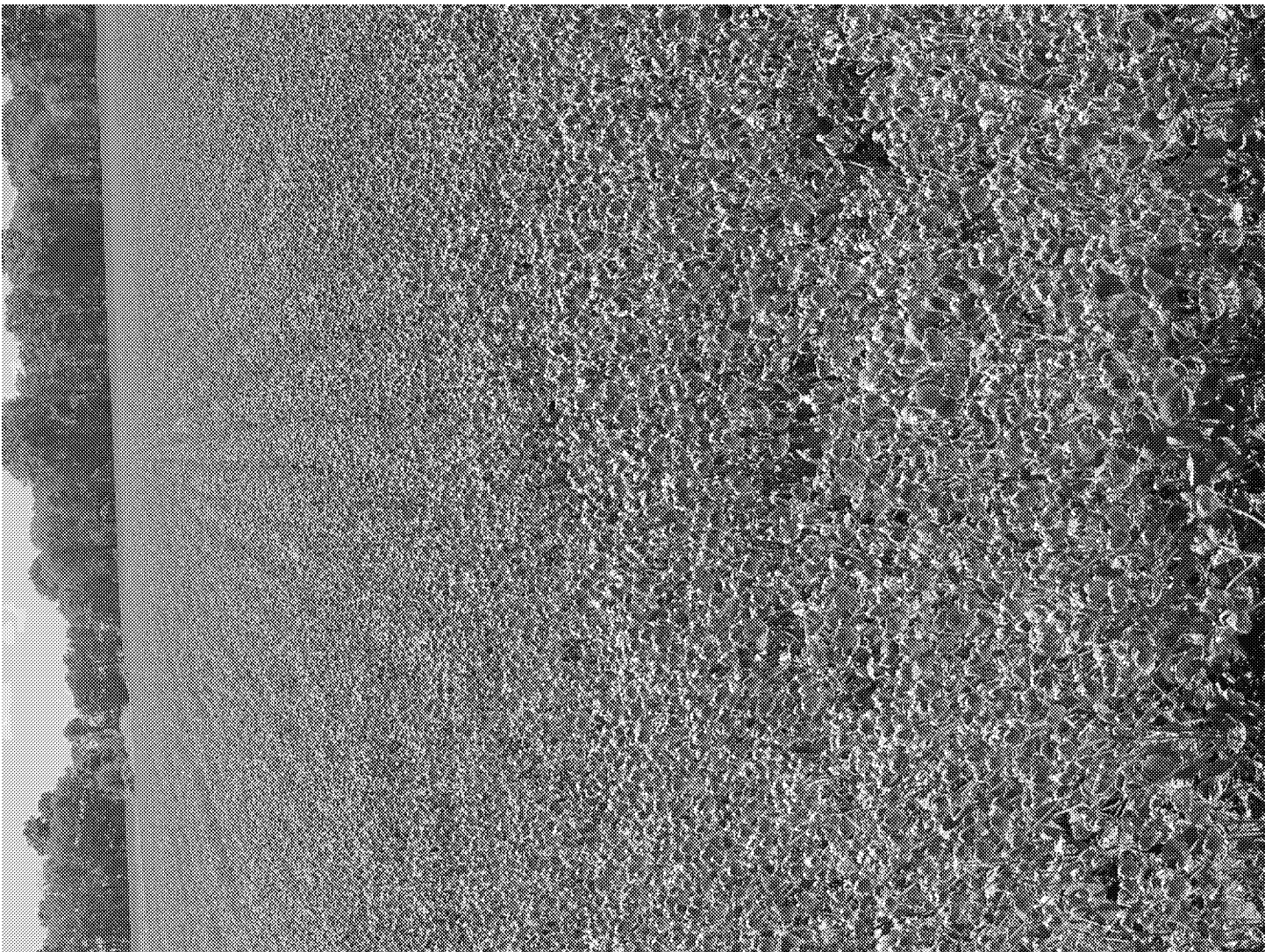
The sycamore tree photo wasn't near a dicamba application. I have observed them all over the Mississippi River Delta and all the way to Kankakee IL. If they are anywhere, including the middle of towns in the in-crop use areas, that is what they look like. That is only one example. Many other species including oaks, cypress, ornamentals and fruit trees are being damaged. The ginkgo tree was on a University Experiment Station. Anyone who is involved in the registration decision should be required to take a driving tour of the MO bootheel and just look at the trees- in towns and throughout the countryside. They look terrible as most have been hit multiple times over several years.

I was a causation expert in the Bader Farms peach trial. As a result I have seen many of the company registration documents and the entire process was a joke. Now they propose to send some more Vapor Grip (vinegar) with the

Xtendimax for the applicator to dump in the tank and call it a fix. How much more verified in field use data and information do they have to support this being a fix? Furthermore we know the addition of glyphosate to the tank with dicamba dramatically increases volatility yet they continue to promote it. Now they want to register glufosinate-ammonium with dicamba for use in XtendFlex. That alone tells me they aren't serious about reducing or eliminating volatility. Nothing they have told the Agency about off target movement has been right yet. Science simply does not support any of the current dicamba formulations being registered for in-crop use. Until a completely non-volatile formulation of dicamba is developed, this herbicide simply will not stay on target.

I realize the entire dicamba situation is complex. Like you, I have been embroiled in the middle of it for several years. It is the most divisive herbicide technology ever in my 46 years as a weed scientist. There three categories of soybean farmers: those who want the technology; those who have been forced to plant it defensively for economic survival; and those who want to plant other technologies for very sound reasons. There are also homeowners and growers of other crops being negatively affected. It appears that only those that wish to use the Xtend technology have been considered. In reality, they have options to use other technologies. Those being negatively impacted by dicamba are innocent bystanders. I encourage the agency to give equal consideration to all parties involved in the upcoming registration decision.

Sincerely, Ford Baldwin Ph.D











Sent from my iPhone

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 8/27/2020 5:39:01 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Thanks for staying on top of this forthcoming humidome data. This is the data I was thinking of.

It seems like there's always one more piece we are waiting on!

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Thursday, August 27, 2020 9:03 AM
To: Steven Callen <steven.callen@bayer.com>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Thanks!

From: Steven Callen <steven.callen@bayer.com>
Sent: Thursday, August 27, 2020 8:43 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Emily,

I'm finalizing the documents for submission, so they should be in later today. I'll send you courtesy copies when they go in through the portal.

Thanks,
Steven

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Thursday, August 27, 2020 6:25 AM
To: Steven Callen <steven.callen@bayer.com>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Steven,

Did you send them I haven't seen anything come in yet.

Thanks,

Emily

From: Steven Callen <steven.callen@bayer.com>

Sent: Monday, August 24, 2020 12:17 PM

To: Schmid, Emily <Schmid.Emily@epa.gov>

Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: Re: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Good afternoon, Emily,

These analytical humidome reports were just finalized on Friday, so they will be submitted early this week. In the meetings we had with EPA last week, there were also a number of other requests for Bayer to submit supporting information for the 2020 XtendiMax registration decision. These documents are also almost ready and will be submitted either at the same time as these analytical reports or shortly thereafter.

Thanks for following up! I hope you had a nice week of training! I'll be in touch shortly.

Best,
Steven

From: Schmid, Emily <Schmid.Emily@epa.gov>

Sent: Monday, August 24, 2020 11:12 AM

To: Steven Callen <steven.callen@bayer.com>

Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Steven,

I was in training last week so it's possible this ended up with someone else, but did you submit this?

Thanks,
Emily

From: Steven Callen <steven.callen@bayer.com>

Sent: Thursday, August 13, 2020 2:59 PM

To: Schmid, Emily <Schmid.Emily@epa.gov>

Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Emily,

Thanks for the clarification; we have a good sense of what this ask is now. The team is diligently working to compile this information for you, and we will be happy to provide it.

Thanks,
Steven

From: Schmid, Emily <Schmid.Emily@epa.gov>

Sent: Thursday, August 13, 2020 11:28 AM

To: Steven Callen <steven.callen@bayer.com>

Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Steven,

Thank you. As you know, we are working fast to get this decision so we really need this as soon as possible in order to be able to consider this data. I passed on what you said to the reviewer and he said that his is familiar with the Gavlick methodology used with the humidome and that's not really what he's looking for. He really needs the analytical report so if you have any questions about what he means by that, please let me know.

Thanks,
Emily

From: Steven Callen <steven.callen@bayer.com>

Sent: Thursday, August 13, 2020 10:18 AM

To: Schmid, Emily <Schmid.Emily@epa.gov>

Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Emily,

Yes, I believe this report is something that we can provide. I will ask our Environmental Science team to get this information together, and then I'll follow up with you. In case it's helpful, the method that we use is found in the following:

Gavlick, W.K., D.R. Wright, A. MacInnes, J.W. Hemminghaus, J.K. Webb, V.I. Yermolenka, W. Su. 2016. A Method to Determine the Relative Volatility of Auxin Herbicide Formulations, *Pesticide Formulation and Delivery Systems: 35th Volume*, ASTM STP1587. pp. 24-32G. R. Goss, Ed. ASTM International, West Conshohocken, PA.

Thanks,
Steven

From: Schmid, Emily <Schmid.Emily@epa.gov>

Sent: Thursday, August 13, 2020 6:30 AM

To: Steven Callen <steven.callen@bayer.com>

Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Steven,

Thank you for sending this.

I forwarded it to the team and was asked if you will also be submitting an analytical report to support this information. They are looking for something similar to what you have submitted with your field studies that shows the analysis the laboratory did, the method they used, the sample ids, the analysis date, the amount of dicamba found on the PUF, were any control or procedural recovery samples analyzed, etc.

When I asked him if what he needed was in the excel attachment he gave me the following details about what he's looking for:

"Typically with studies that involve lab analysis, we get a lab report as an appendix to the study that shows the method that was used to do the analyses, what quality control measures the lab used (i.e., blank control analyses, spiked control analyses, etc. to make sure they are able to measure the dicamba accurately), the measurements for each sample, as well as the dates the sample was collected, extracted, and analyzed, and typically they throw in some representative chromatographs to demonstrate their methods performance. Also, what types of analyses were done on the samplers – were there any checks done on the pumps before and after the trial to ensure the flowrate was ~ 3L/min? Is that the flowrate they used to go from ng/PUF to ng/L? So I guess I'm asking if Bayer will be submitting a laboratory report from the Battelle lab that did the analysis explain all of this."

Is that something you are planning to provide and if not, can you?

Thank you,
Emily

From: Steven Callen <steven.callen@bayer.com>
Sent: Wednesday, August 12, 2020 11:53 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Good morning, Emily!

Bayer Crop Science (EPA Company Number 264) is providing here a courtesy copy of the 8570-1 form, cover letter, and data report that was submitted this morning through the electronic portal along with other documents in support of the 2020 registration decision for XtendiMax® With VaporGrip® Technology (M1768 Herbicide), EPA Reg. No. 264-RERN.

This report summarizes a recent study assessing the relative volatility of dicamba tank mixes with and without VaporGrip Xtra® in the humidome, and it also provides the raw data in an embedded Excel file.

Please reach out to me or George Sabbagh if you have any questions or concerns.

Sincerely,
Steven

Steven T. Callen, Ph.D.
Crop Protection Regulatory Manager
Broad Acre and Trait Uses

//////////

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Web: <http://www.bayer.com>

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Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 10/2/2020 1:57:39 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]; Crawford, Lydia [Crawford.Lydia@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Rep. Guest and 30+ members Dicamba Registration Letter

Yes, thanks Lydia!

Dan, we did see a recent dip in letters submitted, but they do continue to come in. I'd also predict that since Wheeler publicly announced this week that EPA is targeting an October decision, there may be an uptick again in submissions.

- Meg

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Friday, October 02, 2020 9:47 AM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Rep. Guest and 30+ members Dicamba Registration Letter

Thanks, Lydia! I was just opening teams to check to see if anyone added it yet.

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Friday, October 02, 2020 9:46 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Rep. Guest and 30+ members Dicamba Registration Letter

Added to the list

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, October 1, 2020 1:29 PM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter

FYI – I was wondering if there correspondences were starting to dry up, but I guess not quite yet.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Thursday, October 01, 2020 1:25 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter

FYI

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs

ED_005570D_00053594-00001

Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Sent: Thursday, October 01, 2020 11:37 AM

To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>

Subject: Rep. Guest and 30+ members Dicamba Registration Letter

Heads up on a new Dicamba letter. We'll enter it into CMS and control to OCSPP. Similar to the 9/17 House Ag letter. Thanks,
Sven

Sven-Erik Kaiser
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-566-2753
kaiser.sven-erik@epa.gov

From: White, Bubba <Joseph.WhiteIII@mail.house.gov>

Sent: Wednesday, September 30, 2020 3:49 PM

To: Washam, Todd <Washam.Todd@epa.gov>

Cc: Kolb, John (JohnMark) <kolb.john@epa.gov>; Solomon, Maya <Maya.Solomon@mail.house.gov>

Subject: Dicamba Registration Letter

Todd,

Please see the attached bipartisan letter to Administrator Wheeler from 32 members of Congress encouraging the issuance of new registrations for four dicamba products: Engenia®, Xtendimax®, FeXapan®, and Tavium®. We also support issuance of these registrations quickly and in simple, clear, and understandable language so that producers can make herbicide and seed purchasing decisions ahead of the 2021 crop year.

Please let us know if you have any questions. A hard copy has been put in the mail.

Best,
Bubba



Bubba White

Legislative Assistant

Rep. Michael Guest (MS-03)

202.226.8289 – Office

202.981-3106 – Cell

230 Cannon HOB
Washington, DC 20515



Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 9/30/2020 9:23:25 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Meadows, Sarah [Meadows.Sarah@epa.gov]; Crawford, Lydia [Crawford.Lydia@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Echeverria, Marietta (Echeverria.Marietta@epa.gov) [Echeverria.Marietta@epa.gov]
Subject: Comments re. Bayer Proposed Draft XtendiMax label
Attachments: Cover letter_264-RERN_XtendiMax-ML_20200902.pdf; MASTER LABEL_XtendiMax_264-RERN.DOCX

Hi Dan:

For your call with Bayer today, you asked me to look at certain sections of the Bayer draft label. (The attached Word document).

My main takeaways are that the current Bayer draft label:

- -
 -
 -
- ## Ex. 5 Deliberative Process (DP)

I've copied relevant sections of text from Bayer's draft label below:

Section on page 13 of 17 where they allow 1lb dicamba on cotton:

COTTON WITH XTENDFLEX® TECHNOLOGY	
Application Rate	<ul style="list-style-type: none">Using the appropriate application rate may reduce the selection for resistant weeds.Burndown/Early Preplant, Preplant, At-Planting, Preemergence: Apply a maximum of 44 fluid ounces (1.0 lb. acid equivalent (a.e.) dicamba) per acre for a single burndown/early preplant, preplant, at-planting, or preemergence application.Postemergence (in-crop): For any single, in-crop application, apply 22 fluid ounces (0.5 lb. a.e. dicamba) per acre.

Section on page 14 of 17 where they allow 1lb dicamba on soybeans:

SOYBEAN WITH ROUNDUP READY 2 XTEND® TECHNOLOGY OR XTENDFLEX® TECHNOLOGY	
Application Rate	<ul style="list-style-type: none">Using the appropriate application rate may reduce the selection for resistant weeds.Burndown/Early Preplant, Preplant, At-Planting, Preemergence: Apply a maximum of 44 fluid ounces (1.0 lb. acid equivalent (a.e.) dicamba) per acre for a single burndown/early preplant, preplant, at-planting, or preemergence application.Postemergence (in-crop): For any single, in-crop application, apply 22 fluid ounces (0.5 lb. a.e. dicamba) per acre.

Text concerning buffer requirements:

- Page 5 of draft label re. downwind FIFRA buffer:

“Downwind Requirements:

- ☐ *Sensitive crops and certain plants downwind:* DO NOT apply if sensitive plants and/or crops, as defined below in this label, are planted on an adjacent downwind field or area when using broadcast open-boom equipment.

Downwind buffer: After determining no adjacent sensitive plants and/or crops are downwind, maintain a 250-ft downwind buffer when applying with broadcast open-boom equipment.”

- Page 8 of draft label re. downwind FIFRA buffer:

“Buffer Requirements

After determining no adjacent sensitive plants and/or sensitive crops are downwind, the applicator must always maintain a 250-foot downwind buffer between the last treated row and the nearest downwind field edge when applying using broadcast open-boom equipment. For other downwind buffer options, refer to Hooded/Shielded and Layby Sprayers section of this label.

The following areas may be included in the buffer distance calculation when directly adjacent to the treated field edges:

- Roads, paved or gravel surfaces, mowed and/or managed areas adjacent to field such as rights of way
- Planted agricultural fields containing: corn, dicamba-tolerant cotton, dicamba-tolerant soybean, sorghum, proso millet, small grains, or sugarcane. If the applicator intends to include such crops as dicamba-tolerant cotton and/or dicamba-tolerant soybeans in the buffer distance calculation, the applicator must confirm the crops are in fact dicamba-tolerant.
- Agricultural fields that have been prepared for planting
- Areas covered by the footprint of a building, silo, or other man-made structure with walls and/or roof

- Pages 8-9: Technology exceptions for having a downwind buffer:

"Hooded/Shielded Sprayer

- *Application Requirements:* Applicators must ensure the sprayer system is off or controlled during turns to ensure spray drift does not occur to downwind sensitive plants and/or sensitive crops.
- *Wind Speed:* Applications are permitted when wind speed at boom height is between 1 MPH and 17 MPH provided no inversion is present.
- *Application Timing:* Applications of this product may occur between sunrise and sunset. Refer to the Specific Use Directions for each crop for application windows when using a hooded/shielded sprayer.
- *Nozzle Type:* The applicator must use an approved nozzle within a specified pressure range as found at www.xtendimaxapplicationrequirements.com.
- *Buffer Requirements:* The applicator must always maintain a minimum 30-foot downwind buffer between the last treated row and the nearest downwind field edge.
- *Sensitive Plants and/or Crops:* The applicator must utilize the minimum 30-foot downwind buffer between the last treated row and the nearest downwind field edge.

Hooded In-Row Sprayer:

- *Application Requirements:* Hoods must remain in contact with the soil while the herbicide application is being made. A maximum of 6 mph is required to ensure hoods remain in contact with the soil. Applicators must ensure the sprayer system is off or controlled during turns to ensure spray drift does not occur to downwind sensitive plants and/or sensitive crops.
- *Wind Speed:* Applications are permitted when wind speed at canopy is between 0 MPH and 17 MPH provided no inversion is present.
- *Application Timing:* Applications of this product may occur between sunrise and sunset. Refer to the Specific Use Directions for each crop for application windows when using a hooded in-row sprayer.
- *Nozzle Type:* The applicator must use an approved nozzle within a specified pressure range as found at www.xtendimaxapplicationrequirements.com.
- *Buffer Requirements:* No minimum downwind buffer distance.
- *Sensitive Plants and/or Crops:* No minimum downwind buffer distance.

Directed Layby Sprayer:

- *Application Requirements:* Hoods must remain in contact with the soil while the herbicide application is being made. A maximum of 6 mph is required to ensure hoods remain in contact with the soil. Applicators must ensure the sprayer system is off or controlled during turns to ensure spray drift does not occur to downwind sensitive plants and/or sensitive crops.
- *Wind Speed:* Applications are permitted when wind speed at canopy is between 0 MPH and 17 MPH provided no inversion is present.
- *Application Timing:* Applications of this product may occur between sunrise and sunset. Refer to the Specific Use Directions for each crop for application windows when using a directed layby sprayer.
- *Nozzle Type:* The applicator must use an approved nozzle within a specified pressure range as found at www.xtendimaxapplicationrequirements.com.
- *Buffer Requirements:* No minimum downwind buffer distance.
- *Sensitive Plants and/or Crops:* No minimum downwind buffer distance.

From: Tindall, Kelly <tindall.kelly@epa.gov>

Sent: Wednesday, September 23, 2020 3:41 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>

Subject: FW: Bayer Proposed Draft XtendiMax label

Kelly Tindall, Senior Biologist

Biological Analysis Branch
Biological and Economic Analysis Division
Office of Pesticide Programs
US Environmental Protection Agency
703-308-8188

**ALL CONTENTS AND ATTACHMENTS TO THIS EMAIL CORRESPONDENCE ARE TO BE CONSIDERED
DRAFT/INTERNAL/DELIBERATIVE ONLY, NOT TO BE SHARED UNLESS SPECIFICALLY AND EXPLICITLY STATED**

From: Kaul, Monisha <Kaul.Monisha@epa.gov>
Sent: Tuesday, September 22, 2020 5:25 PM
To: Tindall, Kelly <tindall.kelly@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Orlowski, John <Orlowski.John@epa.gov>
Subject: FW: Bayer Proposed Draft XtendiMax label

Per our discussion of separate labels...

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Tuesday, September 22, 2020 4:44 PM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>
Subject: FW: Bayer Proposed Draft XtendiMax label

From: Thomas Marvin <thomas.marvin@bayer.com>
Sent: Thursday, September 3, 2020 9:03 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: Bayer Proposed Draft XtendiMax label

Ed, Marietta: Just sending a courtesy copy of the submission we made yesterday.

Tom

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 9/14/2020 6:19:26 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Crawford, Lydia [Crawford.Lydia@epa.gov]
CC: Echeverria, Marietta (Echeverria.Marietta@epa.gov) [Echeverria.Marietta@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: FW: New Proposed XtendiMax With VaporGrip Technology Master Label
Attachments: Cover letter_264-RERN_XtendiMax-ML_20200902.pdf; MASTER LABEL_XtendiMax_264-RERN.DOCX; MASTER LABEL_XtendiMax_264-RERN.PDF

FYI

From: Steven Callen <steven.callen@bayer.com>
Sent: Wednesday, September 02, 2020 3:47 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: New Proposed XtendiMax With VaporGrip Technology Master Label

Good afternoon, Emily and Meg,

In support of the 2020 registration decision for XtendiMax, Bayer just submitted our new proposed label to EPA through the portal. I have attached it here (both PDF and Word versions), along with the cover letter, for your convenience. Please note that, as indicated in the cover letter, there are a couple places where it is felt further discussion is warranted – these are marked by comments within the label.

Thanks very much!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Crop Protection Regulatory Manager
Broad Acre and Trait Uses

////////////////

Bayer U.S. – Crop Science
North America Crop Protection Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
Cell: +1 (314) 302-9391
E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

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/// Follow me on:
/// [Twitter](#) /// [LinkedIn](#)

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 9/9/2020 7:57:33 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]
CC: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: FW: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update
Attachments: Engenia__Buffer_SupplInfo_09092020.pptx

Hello Lydia:

Please add this PowerPoint file rather than the un-openable earlier version to the dicamba data tracking system.

Thank you,
Meg

From: Hathaway, Margaret
Sent: Wednesday, September 09, 2020 3:55 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Harwood, Douglas (Ethan) <harwood.douglas@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kells, Bradley <kells.bradley@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Orlowski, John <Orlowski.John@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Wyatt, TJ <Wyatt.Tj@epa.gov>
Subject: RE: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Hello All:

Here is BASF's resend of their PowerPoint deck from September 4th. I was able to open this one; let me know if you run into any issues.

- Meg

From: Hathaway, Margaret
Sent: Wednesday, September 09, 2020 2:52 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Harwood, Douglas (Ethan) <harwood.douglas@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Hmm... I seem to be able to open the Excel files but not the PowerPoint. I'll ask BASF to resend.

- Meg

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Wednesday, September 09, 2020 2:41 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Harwood, Douglas (Ethan) <harwood.douglas@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>

Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Meg

Both Chuck and I have been unable to open the files. Get a message my computer isn't configured to allow access to the file

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, September 09, 2020 2:31 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Harwood, Douglas (Ethan) <harwood.douglas@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FW: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Hello EFED:

BASF has just sent us the attached dicamba humidome information. CCing BEAD for your awareness as well.

- Meg

From: Jeffrey H Birk <jeffrey.birk@basf.com>
Sent: Wednesday, September 09, 2020 2:11 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: FW: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Dan, Meg and Marietta,

Attached are the files with additional information for the BASF Bioassay Humidome and UTN Quantitative Humidome studies shared with EPA last week. The additional information files contain the excerpted presentation slides (minor corrections were made to the time, temp and RH conditions on slide 7), study protocol, recorded and calculated value information. Let us know if you need anything else.

Ex. 4 CBI

Please note that BAS 183 35 H is coded as BAS183CTH and have the Sentris buffer coded as BAS 92931S. The Bioassay study also includes Xtendimax.

The % PHYTOX / Crop Injury assessment made in the Bioassay Humidome study is an overall visual assessment of foliar effects (stunting, necrosis and epinasty) on a 0-100% scale where 0 = no effect and 100 = dead plant.

The Engenia + buffer +/- K-gly pH stability study is completed and will sent on a separate email.

Thanks for the opportunity to share this information with your team.

Please let me know if we need to discuss further.

JEFFREY BIRK

Product Registration Manager

Phone: +1 919 547-2622, Mobile: +1-919-225-9220, Fax: +1 919 547-2850, Email: jeffrey.birk@basf.com

Postal Address: BASF Corporation, , 26 Davis Drive, 27709-3528 Research Triangle Park, United States



We create chemistry

BASF Corporation

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 9/10/2020 8:23:16 PM
To: Becker, Jonathan [Becker.Jonathan@epa.gov]; Chism, William [Chism.Bill@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Kells, Bradley [kells.bradley@epa.gov]; Kiely, Timothy [Kiely.Timothy@epa.gov]; Orlowski, John [Orlowski.John@epa.gov]; Tindall, Kelly [tindall.kelly@epa.gov]; Wyatt, TJ [Wyatt.Tj@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov] [Echeverria.Marietta@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
Subject: FW: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update
Attachments: Consideration of Mitigation Options to Address Dicamba Volatility 9_9_2020 clean.pptx; Buffering Agent Comparison 09_08_20 v3.pptx

Hello BEAD:

For your awareness, EFED has developed the attached slides containing some of EFED's volatility and buffering agent analysis work.

Some of this information may be used for next week's briefing to Alex, but in it's current form at least, this content is just for the team's reference and consideration.

- Meg

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Wednesday, September 09, 2020 4:53 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Harwood, Douglas (Ethan) <harwood.douglas@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kells, Bradley <kells.bradley@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Orlowski, John <Orlowski.John@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Wyatt, TJ <Wyatt.Tj@epa.gov>
Subject: RE: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Meg

EFED has developed some additional slides for RD and BEAD's consideration. The first is a slide deck expanding on the buffering agents that gets at the chemistry of dicamba and how buffering agents work.

The second slide deck is work Ed and Ethan have pulled together to help quantify the impact of cutoff dates and temperature using the 6a2 incident data. The slide deck also includes a summary of a modeling exercise Chuck performed that shows impact of temperature on flux rates and corresponding distance to effects (e.g. buffers) seen in registrant and academic field studies.

These are just to help spur further discussion internally on how the buffering agents work and on ways to add a quantitative component to mitigation options under consideration. Happy to discuss further or walk the team through these.

Mark Corbin

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Wednesday, September 09, 2020 3:55 PM

To: Corbin, Mark <Corbin.Mark@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Harwood, Douglas (Ethan) <harwood.douglas@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kells, Bradley <kells.bradley@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Orlowski, John <Orlowski.John@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Wyatt, TJ <Wyatt.TJ@epa.gov>

Subject: RE: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Hello All:

Here is BASF's resend of their PowerPoint deck from September 4th. I was able to open this one; let me know if you run into any issues.

- Meg

From: Hathaway, Margaret

Sent: Wednesday, September 09, 2020 2:52 PM

To: Corbin, Mark <Corbin.Mark@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Harwood, Douglas (Ethan) <harwood.douglas@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>

Subject: RE: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Hmm... I seem to be able to open the Excel files but not the PowerPoint. I'll ask BASF to resend.

- Meg

From: Corbin, Mark <Corbin.Mark@epa.gov>

Sent: Wednesday, September 09, 2020 2:41 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Harwood, Douglas (Ethan) <harwood.douglas@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>

Subject: RE: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Meg

Both Chuck and I have been unable to open the files. Get a message my computer isn't configured to allow access to the file

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Wednesday, September 09, 2020 2:31 PM

To: Corbin, Mark <Corbin.Mark@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Harwood, Douglas (Ethan) <harwood.douglas@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel

<Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>;
Meadows, Sarah <Meadows.Sarah@epa.gov>

Subject: FW: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Hello EFED:

BASF has just sent us the attached dicamba humidome information. CCing BEAD for your awareness as well.

- Meg

From: Jeffrey H Birk <jeffrey.birk@basf.com>

Sent: Wednesday, September 09, 2020 2:11 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Echeverria, Marietta
<Echeverria.Marietta@epa.gov>

Subject: FW: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Dan, Meg and Marietta,

Attached are the files with additional information for the BASF Bioassay Humidome and UTN Quantitative Humidome studies shared with EPA last week. The additional information files contain the excerpted presentation slides (minor corrections were made to the time, temp and RH conditions on slide 7), study protocol, recorded and calculated value information. Let us know if you need anything else.

Ex. 4 CBI

Please note that BAS 183 35 H is coded as BAS183CTH and have the Sentris buffer coded as BAS 92931S. The Bioassay study also includes Xtendimax.

The % PHYTOX / Crop Injury assessment made in the Bioassay Humidome study is an overall visual assessment of foliar effects (stunting, necrosis and epinasty) on a 0-100% scale where 0 = no effect and 100 = dead plant.

The Engenia + buffer +/- K-gly pH stability study is completed and will sent on a separate email.

Thanks for the opportunity to share this information with your team.

Please let me know if we need to discuss further.

JEFFREY BIRK

Product Registration Manager

Phone: +1 919 547-2622, Mobile: +1-919-225-9220, Fax: +1 919 547-2850, Email: jeffrey.birk@basf.com

Postal Address: BASF Corporation, , 26 Davis Drive, 27709-3528 Research Triangle Park, United States



BASF Corporation

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 9/16/2020 3:33:14 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: RE: Notes from Academic Dicamba Call

Thank you!

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Wednesday, September 16, 2020 11:03 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: Notes from Academic Dicamba Call

Stanley Culpepper and others brought up how effective irrigating after applying dicamba was at 'stopping' volatility. EFED asked for rainfall/irrigation data to go along with the academic studies they are reviewing to know if volatility was 'stopped'.

Every single acre treated with dicamba was also treated with glyphosate.

All attendees agreed that VGX or another pH buffering agent has a huge impact on the amount of volatility.

No one has seen any issues with tank mixes sitting before application; Werle mentioned that putting the VGX in first before other tank mix partners seemed to be more stable.

Tom Mueller mentioned that his Engenia studies were similar to Xtendimax.

Culpepper suggests having the companies do quick studies in humidomes with different soils, etc.

EPA said timing is tight.

Academics (Tom Mueller) say they could get us data in 30-45 days if we have any specific questions, and they could start studies Monday.

The academics want to do all they can to keep dicamba as a tool.

Ex. 4 CBI

Norsworthy is concerned that we aren't requiring enough VGX.

Ex. 4 CBI

Ex. 4 CBI

Werle is using a 2% v/v.

There is not consistency with the rates of VGX, and what they are labeling - it's not enough under extreme field conditions.

35 C is where it becomes 'extreme'.

VGX is Ex. 4 CBI

In GA, 35C/95F is low for the majority of their applications. Many applications are occurring in 110F.

Sarah True Meadows, PhD
US Environmental Protection Agency
Office of Pesticide Programs
Registration Division – Herbicide Branch
(703) 347-0505
meadows.sarah@epa.gov

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 10/14/2020 7:32:12 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: New Task - Please Help EFED re. Dicamba - FW: BLT
Attachments: Dicamba_Metadata_181119.xlsx

Hello Lydia:

EFED needs RD's help updating the metadata (registration numbers and such) for the three forthcoming OTT dicamba products. Dan and I would like you to please provide that updated information to EFED as soon as possible. Either today or tomorrow. If an Xtendimax label comes in for review, reviewing that takes precedence, but otherwise, please focus on this.

Mark Corbin has provided some instructions below, but says to contact him if you have questions or want to chat briefly before starting. Note that we don't need a tab for Fexapan, since that's not a proposed registration at this point, but we will need a tab for Tavium.

Thank you,
Meg

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Wednesday, October 14, 2020 7:49 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Anderson, Brian <Anderson.Brian@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Muela, Stephen <muela.stephen@epa.gov>
Subject: RE: BLT

Meg

Two things need to happen. First, we need assistance from RD to get the metadata file I sent earlier updated. I have re-attached the previous document here. This is the document that EISB uses (I've cc'd Lee and Stephen from EISB) to update the BLT restrictions into the web-based service. The sooner we can get this populated the sooner we can start working with the BLT contractor get the updates queued up. (as a note we would need a new tab for Tavium).

The second thing is that last time we gave the registrants a preview of our BLT updates. Lee can correct me but I believe this entailed emailing them a series of files which included a powerpoint showing what restrictions will look like in the system, the metadata, and a geo-database of the updates.

Once that is done and the registration is granted I believe we typically get 15 days to get the updates into the BLT system. At least that is how that worked last time.

I don't think we need a discussion of this with the full team across all divisions but RD and EFED should discuss this.

Mark

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, October 13, 2020 7:07 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Anderson, Brian <Anderson.Brian@epa.gov>

Subject: RE: BLT

Hello Mark:

Sorry that this topic did not make it onto the dicamba team meeting agenda for today. Are there specific questions you would like me to ask the team/other divisions via email? What do you see as the next step in handling this aspect of the dicamba project?

- Meg

From: Corbin, Mark <Corbin.Mark@epa.gov>

Sent: Friday, October 09, 2020 1:35 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Anderson, Brian <Anderson.Brian@epa.gov>

Subject: BLT

Meg

Can we have a discussion with the team on Tuesday at the 1 pm meeting to talk about getting the BLT system previewed by the registrants and then ready for posting the BLT on the web?

thanks

Mark Corbin

Branch Chief, Environmental Risk Branch 6

Environmental Fate and Effects Division (7507P)

Office of Pesticide Programs

U.S. Environmental Protection Agency

Washington DC 20460

703-605-0033

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 10/13/2020 9:47:33 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Crawford, Lydia [Crawford.Lydia@epa.gov]
Subject: RE: Xtendimax Proposed Labeling

Hi Sarah:

Thanks for pinging Bayer on this today. If you don't see anything from them by tomorrow morning, please let Dan and I know so we can give them another poke.

- Meg

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Tuesday, October 13, 2020 9:29 AM
To: ORR, THOMAS B [AG/1005] <thomas.b.orr@monsanto.com>; Steven Callen <steven.callen@bayer.com>; MARVIN, THOMAS [AG/1920] <thomas.marvin@bayer.com>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Xtendimax Proposed Labeling

Hi, all. Please send us a clean copy of your most up-to-date proposed Xtendimax label. I know there may be some things to still discuss and finalize, but we'd like to have a fresh copy to review ASAP.

Thanks,

Sarah

Sarah True Meadows, PhD
US Environmental Protection Agency
Office of Pesticide Programs
Registration Division – Herbicide Branch
(703) 347-0505
meadows.sarah@epa.gov

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 8/12/2020 9:50:03 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Meadows, Sarah [Meadows.Sarah@epa.gov]; Crawford, Lydia [Crawford.Lydia@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: Check-in on scope of ask: Dicamba Studies Received and Missing

Hi Dan:

Bumping my previous question: do we want EFED to list only the data they have yet to review, or also cover what they've received and reviewed in 2020? Glancing at EFED's emails from this afternoon, they don't make this distinction of what's reviewed and what isn't. Then again, this may be because they are still looking at everything, so it's all still under review.

Backing up a bit, what I see has happened is that we are trying in one day to provide management with two things:

- (1) a summary of what submissions are missing from the registrants [fairly easy, and mostly done already by the first section of the Missing Data Word document].
- (2) a summary of every registrant (and possibly academic and state too?) data submission we've received for 2020 on dicamba, including conditions of registration data and data associated with the new applications (we seemed to say not to include 6a2 letter submissions).

Item 2 is where things get harder.

Ex. 5 Deliberative Process (DP)

- Meg

From: Hathaway, Margaret
Sent: Wednesday, August 12, 2020 3:31 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Dicamba Studies Received and Missing

Hi Dan:

Re. the "received" category of data, do we want EFED to list only the data they have yet to review, or also cover what they've received and reviewed in 2020?

I had been thinking we wanted them to list the former, but I could also see including everything as a way to give EFED credit for their work thus far.

- Meg

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, August 12, 2020 3:18 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: Dicamba Studies Received and Missing

Hi Mark. As you know, we're struggling to figure out what studies we have and are responsible for reviewing for dicamba, and there's multiple confusing factors. We're supposed to put a quick list of what we got and what we are missing for the different scenarios for Friday's meeting, and it would probably be wise to have at least a list by tomorrow so we can share with Ed. Since we're talking EFED data, can you or your staff help us with that? We don't want to mix things up or under-represent what you have, and we figured you'd probably be most familiar with what you've got.

What I was thinking about was listing the studies for:

- 1) Bayer studies for the existing Xtendimax product that are:
 - a. Received
 - b. Missing
- 2) Bayer studies received for the proposed buffering agent solution that may be:
 - a. Received
 - b. Missing
- 3) BASF studies for the existing Engenia product that are:
 - a. Received
 - b. Missing
- 4) BASF studies for the new proposed formulation that may be:
 - a. Received
 - b. Missing
- 5) Syngenta studies for the existing Tavium product that are:
 - a. Received
 - b. Missing

Is there anyone that might have this that they can help us get a list of studies for these categories that we can work with? This is something that came up in the briefing yesterday that they want us to discuss on Friday with Bayer, so information on at least #1 and #2 would be super helpful if you can.

Thanks,
Dan

Daniel Kenny, Chief
Herbicide Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 7/29/2020 5:58:17 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: FW: FYI -- Bayer paper on dicamba + highlights from the document
Attachments: 51208201_Summary-Studies-XtendiMax_264-RERN_20200724.pdf; Cover letter_XtendiMax_264-RERN_20200724.pdf

This is hot off the presses, but on a first read, my summary of Bayer's suggested mitigation plan to EPA for a new XtendiMax registration is as follows:

1. Mandating that XtendiMax be tank mixed with additional volatility-reduction agents and drift-reduction adjuvants.
2. Expanding XtendiMax's mandatory downwind drift buffers from 110 to 250 feet.
3. Changing the growth stage timing requirements for XtendiMax OTT applications over soybeans. Specifically, allowing applications only through soybean V4 vegetative stage. Note that the recently vacated labelling had a cutoff at the R1 reproductive stage.
4. Encouraging the use of shielded and hooded spray systems by allowing an exception to the expanded downwind buffer and narrowed application window on OTT soybean application for applicators who can employ appropriate shielded or hooded sprays systems.
5. General suggestions for increased label clarity, such as better using tables for specific crop use directions to improve readability.

From: Hathaway, Margaret
Sent: Monday, July 27, 2020 12:17 PM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: FW: FYI -- Bayer paper on dicamba + highlights from the document

Hello Catherine:

For your reference, Bayer has submitted a white paper to our office with suggestions for a renewed XtendiMax registration. The may not go far enough with their mitigation, but at least they are giving us something more concrete to respond to.

- Meg

From: Hathaway, Margaret
Sent: Monday, July 27, 2020 12:10 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Kells, Bradley <kells.bradley@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Orlowski, John <Orlowski.John@epa.gov>; Wyatt, TJ <Wyatt.Tj@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Dobreniecki, Sarah <Dobreniecki.Sarah@epa.gov>; Jones, Erin <jones.erin@epa.gov>; Miller, David <Miller.DavidJ@epa.gov>
Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>; Echeverria, Marietta (Echeverria.Marietta@epa.gov) <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Peck, Charles

<Peck.Charles@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Metzger, Michael <Metzger.Michael@epa.gov>; Lowe, Kelly <Lowe.Kelly@epa.gov>; Vogel, Dana <Vogel.Dana@epa.gov>; Appleyard, Moana <Appleyard.Moana@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>; Nguyen, Khue <Nguyen.Khue@epa.gov>; Greene, Tylar <Greene.Tylar@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hernandez, Connie <Hernandez.Connie@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>; Motilall, Christina <Motilall.Christina@epa.gov>; O'Neill, Sandra <O'Neill.Sandra@epa.gov>; Overbey, Dian <Overbey.Dian@epa.gov>; Schroeder, Carolyn <Schroeder.Carolyn@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>

Subject: FW: FYI -- Bayer paper on dicamba + highlights from the document

Hello Everyone:

FYI, the white paper from Bayer that was mentioned at last week's OPP dicamba team meeting has now arrived and is going through front-end processing. A courtesy copy of Bayer's document is attached.

This is hot off the presses, but on a first read, my summary of Bayer's suggested mitigation plan to EPA for a new XtendiMax registration is as follows:

1. Mandating that XtendiMax be tank mixed with additional volatility-reduction agents and drift-reduction adjuvants.
2. Expanding XtendiMax's mandatory downwind drift buffers from 110 to 250 feet.
3. Changing the growth stage timing requirements for XtendiMax OTT applications over soybeans. Specifically, allowing applications only through soybean V4 vegetative stage. Note that the recently vacated labelling had a cutoff at the R1 reproductive stage.
4. Encouraging the use of shielded and hooded spray systems by allowing an exception to the expanded downwind buffer and narrowed application window on OTT soybean application for applicators who can employ appropriate shielded or hooded sprays systems.
5. General suggestions for increased label clarity, such as better using tables for specific crop use directions to improve readability.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Knorr, Michele <knorr.michele@epa.gov>

Sent: Monday, July 27, 2020 11:03 AM

To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Metzger, Michael <Metzger.Michael@epa.gov>; Lowe, Kelly <Lowe.Kelly@epa.gov>; Vogel, Dana <Vogel.Dana@epa.gov>
Cc: Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Lis-Coghlán, Kamila <lis-coghlán.kamila@epa.gov>

Subject: FW: FYI -- Bayer paper on dicamba

Here is the white paper. Hopefully, this will get through the portal quickly, but I wanted to make sure you have it now. Feel free to share with others.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Philip.Perry@lw.com <Philip.Perry@lw.com>
Sent: Friday, July 24, 2020 6:04 PM
To: Knorr, Michele <knorr.michele@epa.gov>
Subject: FYI -- Submission through Electronic Portal this evening.

FYI: Have a great weekend.

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.

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Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 9/9/2020 7:01:09 PM
To: Jeffrey H Birk [jeffrey.birk@basf.com]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Hello Jeff:

Could you please resend the PowerPoint file? We were able to access the two Excel documents but not the PowerPoint. When we try to access that one, we get an error message about our computers not being configured to view the document.

Thank you,

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Hathaway, Margaret
Sent: Wednesday, September 09, 2020 2:45 PM
To: Jeffrey H Birk <jeffrey.birk@basf.com>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Thank you for the clarification, Jeff. Understood. There have been so many submissions coming in lately that it's helpful to our team to confirm what we are still expecting to arrive through the front-end.

- Meg

From: Jeffrey H Birk <jeffrey.birk@basf.com>
Sent: Wednesday, September 09, 2020 2:40 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Meg,

I consistently have issues with trying to submit these types of files through the portal. They are informal and not formatted to meet the submission requirements, so I tend not to submit via the front-end.

Jeff

JEFFREY BIRK
Product Registration Manager

Phone: +1 919 547-2622, Mobile: +1-919-225-9220, Fax: +1 919 547-2850, Email: jeffrey.birk@basf.com
Postal Address: BASF Corporation, , 26 Davis Drive, 27709-3528 Research Triangle Park, United States



We create chemistry

BASF Corporation

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Wednesday, September 9, 2020 2:27 PM

To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Jeffrey H Birk <jeffrey.birk@basf.com>; Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: RE: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Hello Jeff:

Thank you for this information. For RD's awareness, are the study files also being sent through the front-end?

Best regards,

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Sent: Wednesday, September 09, 2020 2:21 PM

To: Jeffrey H Birk <jeffrey.birk@basf.com>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: RE: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Thanks Jeff. Acknowledging receipt.

From: Jeffrey H Birk <jeffrey.birk@basf.com>

Sent: Wednesday, September 9, 2020 2:11 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Subject: FW: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Dan, Meg and Marietta,

Attached are the files with additional information for the BASF Bioassay Humidome and UTN Quantitative Humidome studies shared with EPA last week. The additional information files contain the excerpted presentation slides (minor corrections were made to the time, temp and RH conditions on slide 7), study protocol, recorded and calculated value information. Let us know if you need anything else.

Note that these studies included other experimental formulations (Clarity, 31, CL, CM, CS, CX and CU) that are inconsequential to the data supporting BAS 183 35 H and the solo buffering product Sentris.

Please note that BAS 183 35 H is coded as BAS183CTH and have the Sentris buffer coded as BAS 92931S. The Bioassay study also includes Xtendimax.

The % PHYTOX / Crop Injury assessment made in the Bioassay Humidome study is an overall visual assessment of foliar effects (stunting, necrosis and epinasty) on a 0-100% scale where 0 = no effect and 100 = dead plant.

The Engenia + buffer +/- K-gly pH stability study is completed and will sent on a separate email.

Thanks for the opportunity to share this information with your team.

Please let me know if we need to discuss further.

JEFFREY BIRK

Product Registration Manager

Phone: +1 919 547-2622, Mobile: +1-919-225-9220, Fax: +1 919 547-2850, Email: jeffrey.birk@basf.com

Postal Address: BASF Corporation, , 26 Davis Drive, 27709-3528 Research Triangle Park, United States



BASF Corporation

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 7/27/2020 4:19:05 PM
To: Aubee, Catherine [Aubee.Catherine@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: FYI -- Bayer paper on dicamba + highlights from the document

Thank you!

From: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Monday, July 27, 2020 12:19 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: FYI -- Bayer paper on dicamba + highlights from the document

Thank you, Meg. I heard there was a white paper on its way – good to know it made it to the team. Your summary below is helpful.

Best,
Catherine

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, July 27, 2020 12:17 PM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: FW: FYI -- Bayer paper on dicamba + highlights from the document

Hello Catherine:

For your reference, Bayer has submitted a white paper to our office with suggestions for a renewed XtendiMax registration. The may not go far enough with their mitigation, but at least they are giving us something more concrete to respond to.

- Meg

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 8/27/2020 9:29:52 PM
To: Steven Callen [steven.callen@bayer.com]; Schmid, Emily [Schmid.Emily@epa.gov]
CC: Thomas Orr [thomas.orr@bayer.com]; George Sabbagh [george.sabbagh@bayer.com]; BCSReg_Archive [esepamailbox@bayer.com]; BCSReg_Archive [esepamailbox@bayer.com]
Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Thank you, Steven, for the notification about these studies. I will let the review team know that that these data have been submitted.

Best regards,

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Steven Callen <steven.callen@bayer.com>
Sent: Thursday, August 27, 2020 5:20 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Emily,

The humidome analytical reports and a study on hooded sprayers went in through the portal earlier today. Attached is the cover letter, 8570-1 form, and transmittal document that were included in the submission.

Thanks!
Steven

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Thursday, August 27, 2020 8:03 AM
To: Steven Callen <steven.callen@bayer.com>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Thanks!

From: Steven Callen <steven.callen@bayer.com>
Sent: Thursday, August 27, 2020 8:43 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>

Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Emily,

I'm finalizing the documents for submission, so they should be in later today. I'll send you courtesy copies when they go in through the portal.

Thanks,
Steven

From: Schmid, Emily <Schmid.Emily@epa.gov>

Sent: Thursday, August 27, 2020 6:25 AM

To: Steven Callen <steven.callen@bayer.com>

Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Steven,

Did you send them I haven't seen anything come in yet.

Thanks,
Emily

From: Steven Callen <steven.callen@bayer.com>

Sent: Monday, August 24, 2020 12:17 PM

To: Schmid, Emily <Schmid.Emily@epa.gov>

Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: Re: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Good afternoon, Emily,

These analytical humidome reports were just finalized on Friday, so they will be submitted early this week. In the meetings we had with EPA last week, there were also a number of other requests for Bayer to submit supporting information for the 2020 XtendiMax registration decision. These documents are also almost ready and will be submitted either at the same time as these analytical reports or shortly thereafter.

Thanks for following up! I hope you had a nice week of training! I'll be in touch shortly.

Best,
Steven

From: Schmid, Emily <Schmid.Emily@epa.gov>

Sent: Monday, August 24, 2020 11:12 AM

To: Steven Callen <steven.callen@bayer.com>

Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Steven,

I was in training last week so it's possible this ended up with someone else, but did you submit this?

Thanks,
Emily

From: Steven Callen <steven.callen@bayer.com>
Sent: Thursday, August 13, 2020 2:59 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Emily,

Thanks for the clarification; we have a good sense of what this ask is now. The team is diligently working to compile this information for you, and we will be happy to provide it.

Thanks,
Steven

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Thursday, August 13, 2020 11:28 AM
To: Steven Callen <steven.callen@bayer.com>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Steven,

Thank you. As you know, we are working fast to get this decision so we really need this as soon as possible in order to be able to consider this data. I passed on what you said to the reviewer and he said that his is familiar with the Gavlick methodology used with the humidome and that's not really what he's looking for. He really needs the analytical report so if you have any questions about what he means by that, please let me know.

Thanks,
Emily

From: Steven Callen <steven.callen@bayer.com>
Sent: Thursday, August 13, 2020 10:18 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Emily,

Yes, I believe this report is something that we can provide. I will ask our Environmental Science team to get this information together, and then I'll follow up with you. In case it's helpful, the method that we use is found in the following:

Gavlick, W.K., D.R. Wright, A. MacInnes, J.W. Hemminghaus, J.K. Webb, V.I. Yermolenka, W. Su. 2016. A Method to Determine the Relative Volatility of Auxin Herbicide Formulations, *Pesticide Formulation and Delivery Systems: 35th Volume*, ASTM STP1587. pp. 24-32G. R. Goss, Ed. ASTM International, West Conshohocken, PA.

Thanks,
Steven

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Thursday, August 13, 2020 6:30 AM
To: Steven Callen <steven.callen@bayer.com>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hi Steven,

Thank you for sending this.

I forwarded it to the team and was asked if you will also be submitting an analytical report to support this information. They are looking for something similar to what you have submitted with your field studies that shows the analysis the laboratory did, the method they used, the sample ids, the analysis date, the amount of dicamba found on the PUF, were any control or procedural recovery samples analyzed, etc.

When I asked him if what he needed was in the excel attachment he gave me the following details about what he's looking for:

"Typically with studies that involve lab analysis, we get a lab report as an appendix to the study that shows the method that was used to do the analyses, what quality control measures the lab used (i.e., blank control analyses, spiked control analyses, etc. to make sure they are able to measure the dicamba accurately), the measurements for each sample, as well as the dates the sample was collected, extracted, and analyzed, and typically they throw in some representative chromatographs to demonstrate their methods performance. Also, what types of analyses were done on the samplers – were there any checks done on the pumps before and after the trial to ensure the flowrate was ~ 3L/min? Is that the flowrate they used to go from ng/PUF to ng/L? So I guess I'm asking if Bayer will be submitting a laboratory report from the Battelle lab that did the analysis explain all of this."

Is that something you are planning to provide and if not, can you?

Thank you,
Emily

From: Steven Callen <steven.callen@bayer.com>
Sent: Wednesday, August 12, 2020 11:53 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Good morning, Emily!

Bayer Crop Science (EPA Company Number 264) is providing here a courtesy copy of the 8570-1 form, cover letter, and data report that was submitted this morning through the electronic portal along with other documents in support of the 2020 registration decision for XtendiMax® With VaporGrip® Technology (M1768 Herbicide), EPA Reg. No. 264-RERN.

This report summarizes a recent study assessing the relative volatility of dicamba tank mixes with and without VaporGrip Xtra® in the humidome, and it also provides the raw data in an embedded Excel file.

Please reach out to me or George Sabbagh if you have any questions or concerns.

Sincerely,
Steven

Steven T. Callen, Ph.D.
Crop Protection Regulatory Manager
Broad Acre and Trait Uses

//////////

Bayer U.S. – Crop Science
North America Crop Protection Regulatory Affairs
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Mail Zone: FF4B
Chesterfield, MO 63017, USA
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E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

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/// Follow me on:

/// [Twitter](#) /// [LinkedIn](#)

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 9/9/2020 6:35:35 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
CC: Meadows, Sarah [Meadows.Sarah@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: FW: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update
Attachments: Engenia__Buffer_SupplInfo_20200904skbsjb.pptx; BASF 2019 Humidome Bioassay Study (DEV-H-2019-US-Z0H-F) (003).xlsx; UTN 2019 Quantitative Humidome Study # 39(19-HU39).xlsx

Hi Lydia:

I know you are out today, but please add these files to our dicamba data tracking system when you get back.

Emily: I also sent a separate email to the registrant asking if the Excel files are also coming in through the front-end or not.

- Meg

From: Hathaway, Margaret
Sent: Wednesday, September 09, 2020 2:31 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Harwood, Douglas (Ethan) <harwood.douglas@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>
Cc: Echeverria, Marietta (Echeverria.Marietta@epa.gov) <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FW: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Hello EFED:

BASF has just sent us the attached dicamba humidome information. CCing BEAD for your awareness as well.

- Meg

From: Jeffrey H Birk <jeffrey.birk@basf.com>
Sent: Wednesday, September 09, 2020 2:11 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: FW: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Dan, Meg and Marietta,

Attached are the files with additional information for the BASF Bioassay Humidome and UTN Quantitative Humidome studies shared with EPA last week. The additional information files contain the excerpted presentation slides (minor corrections were made to the time, temp and RH conditions on slide 7), study protocol, recorded and calculated value information. Let us know if you need anything else.

Note that these studies included other experimental formulations (Clarity, 31, CL, CM, CS, CX and CU) that are inconsequential to the data supporting BAS 183 35 H and the solo buffering product Sentris.

Please note that BAS 183 35 H is coded as BAS183CTH and have the Sentris buffer coded as BAS 92931S. The Bioassay study also includes Xtendimax.

The % PHYTOX / Crop Injury assessment made in the Bioassay Humidome study is an overall visual assessment of foliar effects (stunting, necrosis and epinasty) on a 0-100% scale where 0 = no effect and 100 = dead plant.

The Engenia + buffer +/- K-gly pH stability study is completed and will sent on a separate email.

Thanks for the opportunity to share this information with your team.

Please let me know if we need to discuss further.

JEFFREY BIRK

Product Registration Manager

Phone: +1 919 547-2622, Mobile: +1-919-225-9220, Fax: +1 919 547-2850, Email: jeffrey.birk@basf.com

Postal Address: BASF Corporation, , 26 Davis Drive, 27709-3528 Research Triangle Park, United States



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Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 7/21/2020 11:46:31 PM
To: Steve Li [xzl0004@auburn.edu]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: Deatsville 2019 Research Questions

Hello Dr. Li:

EFED is hoping that you can help with some questions they have regarding your Deatsville dicamba research from 2019. Please let me know if anything is unclear about what they are asking.

The questions are as follows:

1. From the information we have, it looks like two separate studies were conducted in Deatsville in 2019 – one that started on June 26th and one that started on August 6th, is that correct?
2. Were the plots treated in both studies the same?
3. What type of equipment was used to make the application?
4. The study that happened on June 26th
 - a. Only involved applications of Xtendimax plus Roundup plus Intact, correct?
 - b. What application rates were used?
 - c. Was only one plot treated? The powerpoint seems to indicate maybe three plots (West block 1, West block 2, and 3-way), but the bioassay data seem to indicate it was just one field, the 3-way, with three replicates along each transect at each distance.
 - d. We see plant bioassay data from this study, but no air concentration data or spray drift data. Were air concentration data or spray drift data collected and are they available?
 - e. Was any weather data available for this study? Notes for this study in a Word document indicate a Ryan Rector's weather data and air sampling data, but we haven't received those.
5. The study that was done on August 6th
 - a. Involved one plot treated with Xtendimax plus Roundup plus Intact and one plot treated with Xtendimax plus Roundup plus Vaporgrip X plus Intact (Bayer field), correct?
 - b. We have air concentration and spray drift data for this study, but no bioassay data. Were bioassay data collected for this study? There are drone photos and GIS data, so it may be in that dataset, I have not been able to assess it yet.

As always, thank you for your time and any assistance you may be able to provide.

Take care,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 8/13/2020 4:04:13 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Meadows, Sarah [Meadows.Sarah@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Dicamba Studies Received and Missing

Thanks Lydia. And I agree both MRIDs and study titles are useful.

I'll email Mark back. We do need that extra information, but I also realize that what we get by the end of today may not be perfect due to time constraints.

- Meg

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Thursday, August 13, 2020 11:53 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Dicamba Studies Received and Missing

Sarah and I were discussing this. It may make sense for the immediate term (today/tomorrow) to stick with that level and then expand it with Monica once she's back. How labor intensive do you think that would be for them to associate all the information sent with MRIDs? We could send them a copy of the spreadsheet so they have a better sense of what we're trying to do.

I think the information Mark sent overlaps with some of the other studies already included (eg.9 field studies, but 3 field studies are already listed). We definitely need MRIDs in the long run, though we might want titles too since some MRIDs include multiple studies.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Thursday, August 13, 2020 11:49 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Dicamba Studies Received and Missing

Hi RD Folks:

Mark's list looks more aggregated than I was expecting. I think we need MRID numbers and/or some other identifiers for each study. Is this something we can clarify ourselves with records we have easily on hand, or do we need to push back on EFED and ask for more information?

I fear that if we just list "3 yield studies," for example, on the dicamba master data list, we'll at some point get confused in a conversation with the registrants on specifically which study is being discussed.

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Thursday, August 13, 2020 11:13 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>
Subject: RE: Dicamba Studies Received and Missing

Meg and Dan

EFED has completed the preliminary review of the conditional studies submitted by the Dicamba registrants as a condition of the 2018 registration. While DERs have not been signed out reviews are mostly complete for the following studies

- Off Field Movement (OFM) studies (9)
- Yield studies (3)
- Tier 1 Greenhouse studies on woody species (the Tier 2 study is pending)
- Runoff Study
- Humidome studies (3)
- Incident data (still work in progress. will follow up with #'s)

In addition, the following Academic studies are in house and reviews are essentially complete

- 9 academic field studies, with roughly 21 trials
- Varying levels of flux, spray drift, and plant effects data
- Multiple open literature studies, with varying emission, plant effect, and meteorological data, with implications to dicamba drift

Work continues on the Academic studies for

- Direct Spray
- Humidome

Finally, the recently submitted Bayer information on VGX are in house but have only been given a cursory review. These include

- 7 field studies (2 registrant and 5 academic), and
- 1 humidome summary report (no detailed report which is reportedly pending)
- 1 new unsubmitted field study is reportedly pending from Bayer
- 11 tunnel studies conducted by academics (EFED has not typically used this type of study)

Other than conditional data we have received no new submissions from BASF or Syngenta

Let me know if you have questions

Mark

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Wednesday, August 12, 2020 6:04 PM

To: Corbin, Mark <Corbin.Mark@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>

Subject: RE: Dicamba Studies Received and Missing

Hi Mark:

I tracked the academic and state submissions and filed but did not fill in a tracking sheet for the 6a2 submissions, which consisted almost entirely of litigation files and incident reports. HB also does not have a good tracking sheet of the conditional data submissions either.

The ask now is focused on 2020 registrant submissions, both in terms of conditional data and the data submitted (or promised) in association with the new product submissions.

Confirmation of what data is missing is upper management's primary ask, but RD is also hoping by COB tomorrow to be able to summarize the registrant data in house that needs review. That's going to be the hard part.

- Meg

From: Corbin, Mark <Corbin.Mark@epa.gov>

Sent: Wednesday, August 12, 2020 3:57 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>

Subject: RE: Dicamba Studies Received and Missing

Monica can help with that but is out until next week. I thought Meg had a tracking list of all the data we've received from both registrants and academics. Maybe I am not remembering correctly.

What I can say is that other than the repeat study for the one woody species in the greenhouse study (red oak I think for Tier 2) we have all the conditional data.

We also have a slug of VGX data from Bayer of varying quality and levels of documentation. My understanding from their last meeting was they were going to submit an additional field study and some more data/documentation of humidome data for VGX

I believe Chuck has a summary of what we have for VGX that I should be able to share. It was crafted more to summarize what the data purports to show since we haven't done formal review of those yet (our focus has been solely on the conditional and academic data submitted back in the spring/early summer.

From: Kenny, Daniel <Kenny.Dan@epa.gov>

Sent: Wednesday, August 12, 2020 3:18 PM

To: Corbin, Mark <Corbin.Mark@epa.gov>

Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>

Subject: Dicamba Studies Received and Missing

Hi Mark. As you know, we're struggling to figure out what studies we have and are responsible for reviewing for dicamba, and there's multiple confusing factors. We're supposed to put a quick list of what we got and what we are missing for the different scenarios for Friday's meeting, and it would probably be wise to have at least a list by tomorrow so we can share with Ed. Since we're talking EFED data, can you or your staff help us with that? We don't want to mix things up or under-represent what you have, and we figured you'd probably be most familiar with what you've got.

What I was thinking about was listing the studies for:

- 1) Bayer studies for the existing Xtendimax product that are:
 - a. Received
 - b. Missing
- 2) Bayer studies received for the proposed buffering agent solution that may be:
 - a. Received
 - b. Missing

- 3) BASF studies for the existing Engenia product that are:
 - a. Received
 - b. Missing
- 4) BASF studies for the new proposed formulation that may be:
 - a. Received
 - b. Missing
- 5) Syngenta studies for the existing Tavium product that are:
 - a. Received
 - b. Missing

Is there anyone that might have this that they can help us get a list of studies for these categories that we can work with? This is something that came up in the briefing yesterday that they want us to discuss on Friday with Bayer, so information on at least #1 and #2 would be super helpful if you can.

Thanks,
Dan

Daniel Kenny, Chief
Herbicide Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 7/15/2020 4:47:32 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: FW: Bayer CropScience LP New Product Submission (R320): M1768 Herbicide (XtendiMax With VaporGrip Technology)
Attachments: 8570-1_Application.264-XXX_20200702.pdf; Cover letter_M1768_20200702.pdf

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, July 02, 2020 4:28 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FW: Bayer CropScience LP New Product Submission (R320): M1768 Herbicide (XtendiMax With VaporGrip Technology)

FYI

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Thursday, July 02, 2020 4:25 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: FW: Bayer CropScience LP New Product Submission (R320): M1768 Herbicide (XtendiMax With VaporGrip Technology)

Hi Dan, FYI. The application to register a new product was submitted today.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Tel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Steven Callen <steven.callen@bayer.com>
Sent: Thursday, July 2, 2020 4:15 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>

Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>

Subject: Bayer CropScience LP New Product Submission (R320): M1768 Herbicide (XtendiMax With VaporGrip Technology)

Hi Emily,

Bayer Crop Science (EPA Company Number 264) is providing here a courtesy copy of the 8570-1 form and cover letter that was submitted today through the electronic portal along with other documents for a new product registration for M1768 Herbicide (XtendiMax® With VaporGrip® Technology). The Package ID is **EP-844485** and the CDX confirmation code is **CDX_2020_006920**. This was submitted under PRIA category R320, "New product; new physical form; requires data review in science divisions."

Please reach out to me or George Sabbagh if you have any questions or concerns.

Have a great long Independence Day weekend!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Regulatory Affairs Manager

//////////

Bayer U.S. – Crop Science
Monsanto Company
Global Chemistry & Seed Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
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E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

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/// [Twitter](#) /// [LinkedIn](#)

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Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 7/2/2020 10:48:22 PM
To: Messina, Edward [Messina.Edward@epa.gov]; Knorr, Michele [Knorr.Michele@epa.gov]
Subject: RE: Dicamba questions from AAPCO members

Interesting. Thank you, Ed.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Thursday, July 02, 2020 5:36 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Dicamba questions from AAPCO members
Importance: High

Just fyi

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Reed, Leo A <reedla@purdue.edu>
Sent: Thursday, July 02, 2020 10:12 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: aapco.sfireg@aapco.sfireg@gmail.com; Cary Giguere <Cary.Giguere@vermont.gov>; GBahr@agr.wa.gov; Gretchen Paluch <gretchen.paluch@iowaagriculture.gov>; Liza Fleeson <Liza.Fleeson@vdacs.virginia.gov>; Megan Patterson <Megan.L.Patterson@maine.gov>; Jones, Patrick <patrick.jones@ncagr.gov>; Rose Kachadoorian <rkachadoorian@oda.state.or.us>
Subject: Dicamba questions from AAPCO members
Importance: High

Gentlemen,

On the recent AAPCO Board of Directors monthly call the BOD discussed questions that have been coming to AAPCO from states.

There is still uncertainty regarding sale of the dicamba registrations for Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617), Engenia – (EPA Reg. No. 7969-345), FeXapan – (EPA Reg. No. 352-913). Even some discussion with the states on the call today indicates there may be different interpretations of the cancellation order. Since the 9th Circuit rejected the plaintiffs' emergency motion to stop EPA's existing stock order for dicamba, is there clarity that can be provided to SLAs on the intent of the cancellation order for commercial applicators?

1. – can commercial applicators still sell the product(s) as long as they already have it on hand in their stocks (in their possession)?

In order to do so, must the commercial applicator be the one who applies the product? OR can a commercial applicator/commercial applicator company sell the product to another certified end user?

2. - are sales, distribution and use for OTT uses (soybeans and cotton) and non-OTT uses (most of the states) are being viewed differently?

We respectfully request a quick turnaround to these questions, so we can meet the needs of our members.

Thanks,

Leo A. Reed
AAPCO, President

Office of Indiana State Chemist
Manager, Certification and Licensing
175 S. University Street
West Lafayette, IN 47907

765-494-1588
www.oisc.purdue.edu

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 6/23/2020 11:59:23 PM
To: Motilall, Christina [Motilall.Christina@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group
Attachments: Post-Litigation Questions to EPA - Spreadsheet June 2020_6-23-20.xlsx; Master Document for EPA Responses to Post-Litigation Dicamba Inquiries_6-23-2020.docx

Hello Christina:

Does the Herbicide Branch need to have a presence at tomorrow's meeting?

Here are static copies of the current question master list and accompanying Excel spreadsheet. I suggest you use the Word document primarily. There are about a dozen emails left that are proving tricky to process for various reasons, but what's in the current list pretty much captures all the questions, thematically speaking, that I've seen.

There are more rows on the Excel sheet than in the Word document because there were some questions that were duplicates. I did not attempt to pare down "similar" questions to a shorter list because there might be legal nuances I'd miss from over-consolidating everything.

Enjoy!

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Motilall, Christina <Motilall.Christina@epa.gov>
Sent: Tuesday, June 23, 2020 5:18 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Hi Meg,

The meeting is not until later in the day, thanks for asking. If there are any that don't get enter, you can also forward them to me for reference.

Thank you!

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 23, 2020 5:14 PM
To: Motilall, Christina <Motilall.Christina@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Hi Christina:

When is your meeting? I'm working to enter more of the questions now, so could give you a more complete list later, but there are already a lot in the system.

- Meg

From: Motilall, Christina <Motilall.Christina@epa.gov>

Sent: Tuesday, June 23, 2020 4:59 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: RE: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Hi Meg,

Just got off a call with Mike G and he wanted me to follow-up with you on the list of inquiries you are getting on Dicamba. He noted you are all "radio silence" orders to not respond as well.

I am working with the AA's office on our responses to congressional and stakeholder inquiries and Mike would like for me to bring your list forward into my meeting with them. We will take an overarching look at everything that has come in and then craft a response (or two, if needed) that we can then have the office use.

Can you send me the current list of questions/inquiries you have received on Dicamba and who sent them?

Thank you!

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Tuesday, June 9, 2020 4:57 PM

To: Greene, Tylar <Greene.Tylar@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hernandez, Connie <Hernandez.Connie@epa.gov>; Motilall, Christina <Motilall.Christina@epa.gov>; O'Neill, Sandra <O'Neill.Sandra@epa.gov>; Schroeder, Carolyn <Schroeder.Carolyn@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Subject: FW: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

FYI re. dicamba. The current list of questions RD/OGC and upper management are looking at this attached. But there are more that still need to be added to the list.

- Meg

From: Hathaway, Margaret

Sent: Tuesday, June 09, 2020 4:42 PM

To: Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Striegel, Megan <Striegel.Megan@epa.gov>

Cc: Goodis, Michael <goodis.michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>

Subject: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Hello Dicamba Response Team:

I have an update for you on the status of the Dicamba Post-Litigation Outreach" Microsoft Teams page.

The main document for your consideration is a Word file entitled **“Master Document for EPA Responses to Post-Litigation Dicamba Inquiries,”** which is available in the “Files” tab of the “Inquiry Response Development” channel of the teams page. I’ve attached a static copy of the document to this email for your reference. So far I have entered 34 unique questions into this document, organized into subcategories such as “States and 24cs” and “Tavium.” I have not attempted to consolidate the sales and distribution-related list of questions, in case there are legal nuances of which I am unaware.

The “Master Document for EPA Responses to Post-Litigation Dicamba Inquiries” Word document is accompanied by an Excel tracking sheet I built entitled **“Post-Litigation Questions to EPA - Spreadsheet June 2020.”** This spreadsheet contains metadata, where available to me, on who has asked us each question and when. This file is located in the “Files” tab of the “Inquiry Tracking” channel of the teams page.

Please note that the Master Document and accompanying tracking sheet do not yet contain all the inquiries that have been forwarded to me. I am working on uploading the outstanding items, but believe what is in there so far is representative of the type of asks we are receiving.

I’ve also uploaded various reference documents to the “Files” tab of the “Reference Documents” channel, such as copies of the court decision, our cancellation letter, and Bayer’s recent response letter regarding the court’s decision. Copies of inquiries are filed in the “Inquiry Tracking” channel instead. Please note that in many cases multiple questions were contained in a single email chain that’s been uploaded.

Let me know if you have any questions on finding anything on the Teams site.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Hathaway, Margaret

Sent: Tuesday, June 09, 2020 10:56 AM

To: Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Cc: Goodis, Michael <goodis.michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>

Subject: Introducing the “Dicamba Post-Litigation Outreach” Microsoft Teams group

Good morning, everyone:

To assist us in coordinating responses to dicamba inquiries relating to the June 3rd court decision vacating the registrations of XtendiMax (Bayer), Engenia (BASF) and FeXapan (Corteva), I have created the **“Dicamba Post-Litigation Outreach”** group in Microsoft Teams.

For completeness, I have included everyone mentioned included on this email in the team. If you wish to be removed from the team, please let me know.

The Dicamba Post-Litigation Outreach team currently has three channels:

1. Inquiry Tracking
2. Inquiry Response Development
3. Reference Documents (for storage of static documents such as the court decision and EPA cancellation order)

I'm sure the structure of this team will evolve as we work through all of the requests coming in, but am happy to get things started. Please let me know if there are any suggestions you may have for how to improve this effort.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 6/16/2020 9:02:33 PM
To: Messina, Edward [Messina.Edward@epa.gov]
CC: Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Dicamba

Thank you, Ed.

- Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Tuesday, June 16, 2020 4:59 PM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: Dicamba

Just fyi some language on timelines in case you need it for any briefing documents. Cleared by OGC.

On June 3, 2020 in the case entitled *National Family Farm Coalition, et. al. versus EPA*, the United States Court of Appeals for the Ninth Circuit Court (based in San Francisco, California) ruled that EPA's approval of three over-the-top dicamba herbicides (XtendiMax, Engenia and FeXapan) for genetically modified crops such as soybeans be vacated (or ended) immediately.

On June 8, 2020, EPA issued a cancellation order providing farmers with needed clarity following the Ninth Circuit's decision. The order outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used, through July 31, 2020.

On June 11, 2020, the NGO's who had originally filed the complaint in this case (National Family Farm Coalition, Center for Biological Diversity, and Center for Food Safety) filed an emergency motion with the Ninth Circuit asking that the court enforce their original vacating order and find EPA in contempt.

On June 16, 2020, the Department of Justice, on behalf of EPA, filed its response to the NGO's request, arguing that EPA had complied with the court's order in treating the products as unregistered. The cancellation order is a separate legal action, that consistent with the Court's order, and does not allow distribution and sale of these products, except in limited circumstances. The cancellation order also bans use of existing stocks after July 31, 2020, and requires that any use of existing stocks prior to July 31, 2020 follow previously-approved label conditions.

Ed Messina, Esq.
Deputy Office Director (Programs)
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 7/2/2020 5:52:29 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Dicamba Litigation Timeline

Thank you!

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, July 02, 2020 1:49 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Dicamba Litigation Timeline

Thanks Meg! You are one-stop shopping!!! Very nicely done.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Thursday, July 02, 2020 12:34 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Dicamba Litigation Timeline

Hello Dans:

I've compiled the work done so far on Ed's ask into the attached Word document. I understand that we may need further work on this, but now everything is in one place and it will be easier to edit.

Regarding Dan R's question about the June 16th filings referenced by the litigation timeline, the official intervenor-respondent actually is Monsanto Company rather than Bayer, so that was not an oversight by OGC. But I see how it is confusing. I tweaked OGC's wording to say "Monsanto (now Bayer)" the first time Monsanto is mentioned.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Thursday, July 02, 2020 11:37 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Dicamba Litigation Timeline

yes

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, July 2, 2020 11:36 AM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Schmid, Emily <Schmid.Emily@epa.gov>

Subject: RE: Dicamba Litigation Timeline

By the way, what is the RDD meeting? Is that the Regional Division Directors' meeting?

From: Kenny, Daniel

Sent: Thursday, July 02, 2020 11:34 AM

To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Schmid, Emily <Schmid.Emily@epa.gov>

Subject: RE: Dicamba Litigation Timeline

Got it, thanks Dan.

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>

Sent: Thursday, July 02, 2020 11:31 AM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Schmid, Emily <Schmid.Emily@epa.gov>

Subject: RE: Dicamba Litigation Timeline

I understand Dan. But Meg's question summary is already done. So I think what's left is a new bullet that says "currently EPA is carefully reviewing the submitted data from registrants and academia and then the one about future decisions being mindful of the judicial finding. I'm not positive this is exactly what Ed needs – but I have been to the RDD meetings in the past and they are not just for lawyers. So I think these 'extra' points will make it more appropriate for the lay people who attend.

Call me if you want to talk more about it though.

From: Kenny, Daniel <Kenny.Dan@epa.gov>

Sent: Thursday, July 2, 2020 11:25 AM

To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Schmid, Emily <Schmid.Emily@epa.gov>

Subject: RE: Dicamba Litigation Timeline

We can certainly work to put that together. It seemed like Ed's original message seemed to be very specific to the legal timeline (he mentioned he was looking for "Decision, EPA order, briefs filed in the case, decision to not seek appeal, close of briefing schedule"). Do you think we should give this to him in the meantime and let him know we're still working on something more comprehensive? I don't know how much of a rush it is, and it looks like we've got more work to do.

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>

Sent: Thursday, July 02, 2020 10:57 AM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>

Subject: RE: Dicamba Litigation Timeline

HB – below is one with a couple editorial suggestions – mainly that I guess "Monsanto" should be changed to "Bayer".

Also – this is very legal. And like we were discussing over email – I think this should also include the 'question' summary you prepared Meg. And finally – a few bullets that describe the agency is currently reviewing the recently received required studies and other information from academia to better understand its behavior in the environment. Also that the chemical is undergoing registration review. Any future decisions will be considered against the judicial decision, that sort of thing.

I hope this tracks – but reach out if you want to discuss it.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Thursday, July 2, 2020 10:27 AM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: FW: Dicamba Litigation Timeline

Good morning, Dan:

Re. Ed Messina's request for a timeline of dicamba litigation events, OGC added to the list I sent you earlier and brought it up to date. Copies of the filings are attached in case those are needed as well.

Dicamba Litigation Timeline

On June 3, 2020 in the case entitled *National Family Farm Coalition, et. al. versus EPA*, the United States Court of Appeals for the Ninth Circuit Court (based in San Francisco, California) ruled that EPA's approval of three over-the-top dicamba herbicides (XtendiMax, Engenia and FeXapan) for genetically modified crops such as soybeans be vacated (or ended) immediately.

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On June 12, 2020 BASF Corporation and E.I. du Pont de Nemours and Company each filed motions to intervene.

On June 16, 2020, the Department of Justice, on behalf of EPA, filed its response to the NGOs request, arguing that EPA had complied with the court's order in treating the products as unregistered. The cancellation order is a separate legal action, that consistent with the Court's order, and does not allow distribution and sale of these products, except in limited circumstances. The cancellation order also bans use of existing stocks after July 31, 2020, and requires that any use of existing stocks prior to July 31, 2020 follow previously-approved label conditions.

Also on June 16, 2020, ~~Monsanto~~ Bayer filed a brief in response to Petitioners' motion to enforce the Court's order and for contempt. duPont filed a reservation of rights to join in ~~Monsanto's~~ Bayer's brief if its motion to intervene is granted. BASF filed a brief and a cross-motion to recall the mandate and allow rehearing on whether the Court has jurisdiction over the Engenia registration. The American Farm Bureau Federation and Croplife America each filed motions for leave to file amicus curiae briefs.

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On June 23, 2020, Petitioners filed their opposition to BASF's cross-motion to recall the mandate and allow rehearing on jurisdiction over Engenia.

On June 24, 2020, Intervenor BASF and du Pont filed reply briefs in support of BASF's cross-motion to recall the mandate and allow rehearing on jurisdiction over Engenia.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 7/2/2020 4:33:53 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Dicamba Litigation Timeline
Attachments: Dicamba Materials for 7-9-20 RDD OPP Meeting.docx

Hello Dans:

I've compiled the work done so far on Ed's ask into the attached Word document. I understand that we may need further work on this, but now everything is in one place and it will be easier to edit.

Regarding Dan R's question about the June 16th filings referenced by the litigation timeline, the official intervenor-respondent actually is Monsanto Company rather than Bayer, so that was not an oversight by OGC. But I see how it is confusing. I tweaked OGC's wording to say "Monsanto (now Bayer)" the first time Monsanto is mentioned.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Thursday, July 02, 2020 11:37 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Dicamba Litigation Timeline

yes

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, July 2, 2020 11:36 AM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Dicamba Litigation Timeline

By the way, what is the RDD meeting? Is that the Regional Division Directors' meeting?

From: Kenny, Daniel
Sent: Thursday, July 02, 2020 11:34 AM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Dicamba Litigation Timeline

Got it, thanks Dan.

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Thursday, July 02, 2020 11:31 AM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Schmid, Emily <Schmid.Emily@epa.gov>

Subject: RE: Dicamba Litigation Timeline

I understand Dan. But Meg's question summary is already done. So I think what's left is a new bullet that says "currently EPA is carefully reviewing the submitted data from registrants and academia and then the one about future decisions being mindful of the judicial finding. I'm not positive this is exactly what Ed needs – but I have been to the RDD meetings in the past and they are not just for lawyers. So I think these 'extra' points will make it more appropriate for the lay people who attend.

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To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Schmid, Emily <Schmid.Emily@epa.gov>

Subject: RE: Dicamba Litigation Timeline

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To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>

Subject: RE: Dicamba Litigation Timeline

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Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>

Subject: FW: Dicamba Litigation Timeline

Good morning, Dan:

Re. Ed Messina's request for a timeline of dicamba litigation events, OGC added to the list I sent you earlier and brought it up to date. Copies of the filings are attached in case those are needed as well.

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Margaret Hathaway (Meg)
Senior Regulatory Specialist
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OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
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(703) 305-5076

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 8/7/2020 4:30:23 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: first draft of new dicamba slides

Thanks Emily:

I added a talking point to the notes section of the slide. Depending on the flow of the presentation, I may not bring it up, but this is excellent background information to have on hand.

- Meg

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Friday, August 07, 2020 7:23 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: first draft of new dicamba slides

Good morning,

Actually, the decision time frame for an R320 vs R170 isn't that different, but the fee is. Maybe it could be a talking point and we could just say that these kinds of actions typically take at least a year?

Action Code	Description	FY'20- FY'21 Fee	Decision Time (months)
R320	New product; new physical form; requires data review in science divisions (2) (3)	\$13,888	12

Action Code	Description	FY'20- FY'21 Fee	Decision Time (months)
R170	Additional food use (3) (4)	\$83,317	15

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, August 06, 2020 5:53 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: first draft of new dicamba slides

Good precaution. We should probably get some idea of which code she was talking about, R170 or R320. There's a big difference.

If we are talking about an R170, it makes sense, because that generally takes a lot longer to do, although we don't need to do new tolerances here. If it goes back to R320, it will probably not illustrate our point well just still makes a point. But I'm hesitant to describe it as an R320 if it's not yet that, and don't want to describe it as an R170 and then change it.

On the other hand, we could always discuss it as a talking point in terms of how long it usually takes an action of this nature that requires as much data as we got. Let's think on this one a little further.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Thursday, August 06, 2020 4:15 PM

To: Schmid, Emily <Schmid.Emily@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: RE: first draft of new dicamba slides

Thanks Emily for these edits – I've added them to the deck, including a mention on slide 9 of no change being proposed to the 45-day after planting restriction.

One new question for slide 7: do we want to take Michele's suggestion of adding a mention of how long new applications would typically take to process for PRIA codes of this type? I like the idea but didn't want to add anything yet in case the PRIA code is still in flux.

- Meg

From: Schmid, Emily <Schmid.Emily@epa.gov>

Sent: Thursday, August 06, 2020 9:47 AM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: RE: first draft of new dicamba slides

Hi Meg,

For Engenia, the application date is July 1, 2020 but the "OPP Received Date" in OPPIN is July 2, 2020. I went ahead and put 7/2 in there but just wanted to let you know the application shows a different date.

For Xtendimax, the application date and received date are the same, July 10, 2020.

I noticed on slide 7, it says they sent the white paper on July 7, 2020. I think that should be July 27, 2020. I didn't make that change, only put in the received dates.

For slide 9, I don't see anything incorrect. However, there probably isn't room or a need to include these, but here are a few thoughts:

- The white paper includes rationale for why it is important to keep the registration.
- For the R1 to V4 point, they haven't proposed changing the 45 days.
- You might also want to add a bullet for their 5th proposal of simplifying the label, even though they don't really offer any solid explanations for how they would do that. I imagine everything in this white paper is stuff they mentioned to Alex and I could see them making it out to be more helpful than it is.
- They lay out how we should conduct of review of the registration to appease the courts.

Like I said, none of that is necessarily worth putting in there, I just thought I'd mention it.

Let me know if you need anything else from me.

Thanks,
Emily

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, August 05, 2020 10:11 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: first draft of new dicamba slides

Hi Emily:

I've been working on the dicamba slide deck (static copy attached) and could use your help on slides 7 and 9.

On slide 7, I'm wondering what dates to use for the submission of the new BASF and Bayer applications. On slide 9, I'd like to be sure the Bayer application is described correctly in the first bullet. Let me know if you have any questions.

Thank you,
Meg

From: Hathaway, Margaret
Sent: Wednesday, August 05, 2020 10:07 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: first draft of new dicamba slides

Hello Dan:

Thank you for your edits on this. I cleaned up the slides and added a new comment to each slide 20 and 21 requesting your additional review/feedback. I also copied these changes to the live deck on MS Teams for the dicamba team's reference.

Re. the "outstanding data" slide, Mark Corbin supplied some excellent revisions today based on EFED's perspective. But I agree that an email to the team is still wise. BEAD may have input too. I'll do that now.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

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DRAFT/INTERNAL/DELIBERATIVE ONLY, NOT TO BE SHARED UNLESS SPECIFICALLY AND EXPLICITLY STATED**

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, August 04, 2020 4:22 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: first draft of new dicamba slides

Hi Meg, great job on an initial draft of the revisions. I made some edit suggestions in red for the group's consideration, but am always open to others' ideas for clarity and important points to make. Also, there's some comment bubbles regarding a couple bullets that I think we need to work on with some new language; the group can discuss ideas if that's helpful.

I think slide 8 needs to be circulated and worked on by EFED and BEAD. I think we need to have them give us more info to actually develop that slide accurately.

Thanks for the good work!

Dan

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Tuesday, August 04, 2020 9:15 AM

To: Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: first draft of new dicamba slides

Hello Dan:

Here's what I have so far for updates to the dicamba deck. Slides 7, 8, and 9 are new and slides 21 and 22 are rewrites of old slides. Slide 20 is a struck-through copy of one of the old slides kept in the deck for now as a reference.

I have no meetings this morning, so am free to discuss at your convenience. I'd say that Slide 8 (missing data) is currently the weakest slide. Let me know if you think there may be a better way to structure things or have suggestions for what additional detail is needed.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
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Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 6/10/2020 1:39:11 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Anderson, Neil [Anderson.Neil@epa.gov]
Subject: RE: EPA Dicamba Cancelation VS Court Order

Hello Dan:

It sounds like ISDA is mistaken in their assumption that "the Court Order only applied to the specific issues, areas and uses." But unless otherwise instructed, I will hold off on responding and just add this inquiry to the master list for now.

- Meg

From: Anderson, Neil <Anderson.Neil@epa.gov>
Sent: Wednesday, June 10, 2020 8:25 AM
To: Schulze, Chad <Schulze.Chad@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: EPA Dicamba Cancelation VS Court Order

Hello Chad,

I don't know the direct answer to your question, but I have included in this reply two people who may be able to answer that for you. Meg (Margaret) Hathaway and Dan Kenny are in the Registration Division and are working more closely with the dicamba actions than I.

Also, just so you know, Reuben Baris left the EPA earlier this year.

Hope you and your family are safe and healthy.

Kind Regards,
Neil

Neil Anderson
Deputy Director
Biological and Economic Analysis Division, Office of Pesticide Programs
US EPA (Mail Code 7503P)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone: 703-308-8187
anderson.neil@epa.gov

Visit us on the Web at: <http://www.epa.gov/pesticides/>

From: Schulze, Chad <Schulze.Chad@epa.gov>
Sent: Tuesday, June 09, 2020 4:50 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>
Subject: EPA Dicamba Cancelation VS Court Order

Hi Reuben and Neil,

I was just contacted by our partners with the Idaho Department of Agriculture (ISDA) regarding the recent Court Order and subsequent EPA Cancellation Order of three Dicamba products, Xtendimax with VaporGrip Technology, EPA Reg. No. 524-6 17, Engenia, EPA Reg. No. 7969-345, and FeXapan, EPA Reg. No. 352-9 13.

Since the Court Order focused on issues and crops NOT found in Idaho, ISDA thought the Court Order would not apply to the use of these products in Idaho. However, the EPA Cancellation Order seems to broaden the scope to all uses in all areas of the country for these three products.

Do you have any insight as to EPA's rational for this broadened approach ... or is ISDA wrong in their assumption that the Court Order only applied to the specific issues, areas and uses reviewed by the Court?

Thank you for any thoughts you have here!

Sincerely,
Chad

Chad Schulze
Pesticide Enforcement Coordinator
Deputy Unit Diving Officer
Air & Toxics Enforcement Section
Enforcement & Compliance Assurance Division (ECAD)
EPA Region 10 (20-C04)
1200 6th Ave, Suite 155
Seattle, WA 98101
206-553-0505 (ph)
206-771-3058 (cell)
schulze.chad@epa.gov
<https://www.epa.gov/pesticide-contacts/region-10-pesticide-program-and-contacts>

EPA DIVE UNIT:
<https://www.epa.gov/scientific-diving> or <https://www.epa.gov/diving>

Like us on Facebook! <http://www.facebook.com/EPADivers>

Message

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Sent: 6/23/2020 1:33:56 AM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: SLITs Xtendimax Question

Thanks Dan for the guidance on this.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, June 18, 2020 6:23 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: SLITs Xtendimax Question

OK, sorry I didn't think of the court issue earlier. For now on though, let's talk about any SLITs requests that come in for the dicamba OTT products. We have instructions to share them with OGC first. We may want to hold off on answering for now.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Thursday, June 18, 2020 5:23 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SLITs Xtendimax Question

Thanks Emily. That reply seems reasonable to me. It does beg the question, however, what's our response requirements are if other folks think to send us their stickier litigation-related dicamba questions through the SLITs system. Though maybe we don't need to worry about that until it happens.

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Thursday, June 18, 2020 3:39 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: SLITs Xtendimax Question

Yes, I had to respond by the 17th and since I hadn't heard anything, I figured it was okay. I think I worded it in a way that was like, "the restriction is for all application types" which doesn't really validate the use of the product, just clarifies the intention of the product. So hopefully it's okay.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, June 18, 2020 3:34 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: SLITs Xtendimax Question

I think that's correct. By the way, did you already send your response? It suddenly occurred to me that we may not be able to respond to this because it's an unregistered product.

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Thursday, June 18, 2020 3:22 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SLITs Xtendimax Question

We have a short turnaround time for SLITS. After looking at it, it seems clear that no applications are allowed after the cut-off so I responded to let them know that would apply for any type of application.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Thursday, June 18, 2020 9:26 AM

To: Schmid, Emily <Schmid.Emily@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: RE: SLITs Xtendimax Question

Hi Emily:

I'm curious about this wiper question too. My guess would be that no, wiper applications don't count as OTT, but I see the questioner's point.

Have we sent a response back to Tim on this yet? I saw that the SLITS due date for this question was 6/17, but don't know if a SLITs deadline can be superseded by active litigation back-and-forth.

- Meg

From: Schmid, Emily <Schmid.Emily@epa.gov>

Sent: Monday, June 15, 2020 12:41 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: SLITs Xtendimax Question

Hi Dan,

I thought I should let you know that I got a SLITS question from Tim Creger about Xtendimax:

Requester (Value Required)	TIM CREGER
Entity (Value Required)	Nebraska
Request Date	06-15-2020 00:00
Complete Date	
Due Date	06-17-2020 12:01
Product # (Value Required)	524-617

(Note: Distributor product number can be placed in the "Brief Desc" or "Detailed Desc" field.)

Product Name (Value Required)	M1768 HERBICIDE
PC Code (Value Required)	128931 Dicamba, diglycolamine salt
OPP Team (Value Required)	RM 25
Risk Manager (Value Required)	Emily Schmid

Subject (Value Required)	Label Restrictions
Brief Desc (Value Required)	Does the 45-day post-planting restriction apply to wiper applications?
Detailed Desc (Value Required)	A grower is asking if the in-season post-emergence wiper application of section 9.4 of the label allows for use over the top after the 45-day post-planting restriction that is identified in section 12.2. In other words, are wiper applications considered the same as spray applications for over the top post-plant restrictions?
Status	Awaiting EPA Response

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 7/6/2020 8:03:07 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: FW: Dicamba registration process- media q's

FYI: Dicamba press inquiry.

- Meg

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Monday, July 06, 2020 2:23 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Aubee, Catherine <Aubee.Catherine@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: FW: Dicamba registration process- media q's

fyi

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Dennis, Allison <Dennis.Allison@epa.gov>
Sent: Monday, July 06, 2020 2:22 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Lieberman, Paige <Lieberman.Paige@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Subject: FW: Dicamba registration process- media q's

All,
I'm flagging these incoming dicamba q's for your team's awareness but also wanted to confirm that we are still on holding on answering these type of legal/next step questions for now.

From: Sullivan, Melissa <sullivan.melissa@epa.gov>
Sent: Monday, July 06, 2020 1:51 PM
To: OPP FEAD CSB <OPP_FEAD_CSB@epa.gov>; Lieberman, Paige <Lieberman.Paige@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Motilall, Christina <Motilall.Christina@epa.gov>
Subject: FW: Dicamba registration process

Good afternoon,

We received an inquiry from Emily Unglesbee from Progressive Farmer. **Deadline is Thursday morning.** Questions below.

Can someone at EPA provide some clarity on the following this week?

1. Since the 2018 registrations are vacated, do the registrants have to start the registration process all over from scratch and re-submit all data and applications for a product registration? Or is EPA continuing with the re-registration process that was underway? Does the agency have everything it needs from the registrants of those herbicides?
2. Earlier this year, Rick Keigwin publicly stated that EPA was aiming for an early fall decision on those re-registrations, to give farmers' information they needed to make seed selection. Is that timeline for new registrations for those three herbicides still in place?
3. Will EPA be requiring substantial changes to the new labels in order to avoid a similar legal challenge in the future? For example, state regulators recently asked EPA to only permit pre-emergence applications of those three herbicides to limit applications in the hot summer months. Will that idea be given more consideration with the new labels?
4. Finally, the Ninth Circuit's vacatur opinion criticized EPA for not attempting to estimate or even acknowledge widespread off-target dicamba injury in past growing seasons in the agency's 2018 re-registration decision. Will the agency be making an attempt to track and quantify dicamba injury this summer? Will injury reports from the 2020 growing season (which are rising in states such as Iowa, Illinois and Indiana) impact EPA's registration decision for these three herbicides?

Thank you,
Melissa

Melissa A. Sullivan
Office of Public Affairs
U.S. Environmental Protection Agency
202 913-3840
Sullivan.Melissa@epa.gov

From: Emily Unglesbee <Emily.Unglesbee@dtm.com>
Sent: Monday, July 6, 2020 9:46 AM
To: Sullivan, Melissa <sullivan.melissa@epa.gov>
Cc: Press <Press@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>
Subject: RE: Dicamba registration process

Thursday morning. Thanks.

Emily Unglesbee
DTN Staff Reporter

From: Sullivan, Melissa <sullivan.melissa@epa.gov>
Sent: Monday, July 6, 2020 9:45 AM
To: Emily Unglesbee <Emily.Unglesbee@dtm.com>
Cc: Press <Press@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>
Subject: Re: Dicamba registration process

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Emily,

What is your deadline, please?

Thank you,
Melissa

On Jul 6, 2020, at 9:43 AM, Emily Unglesbee <Emily.Unglesbee@dtm.com> wrote:

Hi,

We are fielding many questions from the agricultural community about the availability of three dicamba herbicides next year – XtendiMax, Engenia and FeXapan.

Can someone at EPA provide some clarity on the following this week?

1. Since the 2018 registrations are vacated, do the registrants have to start the registration process all over from scratch and re-submit all data and applications for a product registration? Or is EPA continuing with the re-registration process that was underway? Does the agency have everything it needs from the registrants of those herbicides?
2. Earlier this year, Rick Keigwin publicly stated that EPA was aiming for an early fall decision on those re-registrations, to give farmers' information they needed to make seed selection. Is that timeline for new registrations for those three herbicides still in place?
3. Will EPA be requiring substantial changes to the new labels in order to avoid a similar legal challenge in the future? For example, state regulators recently asked EPA to only permit pre-emergence applications of those three herbicides to limit applications in the hot summer months. Will that idea be given more consideration with the new labels?
4. Finally, the Ninth Circuit's vacatur opinion criticized EPA for not attempting to estimate or even acknowledge widespread off-target dicamba injury in past growing seasons in the agency's 2018 re-registration decision. Will the agency be making an attempt to track and quantify dicamba injury this summer? Will injury reports from the 2020 growing season (which are rising in states such as Iowa, Illinois and Indiana) impact EPA's registration decision for these three herbicides?

Thanks.

Emily Unglesbee
Staff Reporter, DTN

DTN/Progressive Farmer
Phone: (402)-637-3295

www.dtnpf.com

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to this address may be subject to interception or monitoring for operational reasons or for lawful business practices

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Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 6/3/2020 8:34:20 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Bayer New Dicamba OTT Dataset Summary

Glad to help!

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, June 03, 2020 4:28 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Bayer New Dicamba OTT Dataset Summary

Fantastic! Thanks Meg!

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, June 03, 2020 4:02 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Bayer New Dicamba OTT Dataset Summary

Hi Dan:

Here is my reorganization of the BASF write-up you drafted. The "Issue Details" subheadings I propose are as follows:

Ex. 5 Deliberative Process (DP)

- Meg

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, June 03, 2020 3:08 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Bayer New Dicamba OTT Dataset Summary

Hi Meg. I liked your write up. I am going to make a few tweaks to it, but it's good, thanks! Do you have time to mold mine into something that might be of similar format to yours, and then we can send them together? We can add mine as a second page. I can edit yours in the meantime; feel free to offer edits to mine.

Thanks again for jumping on this!

Dan

From: Kenny, Daniel
Sent: Wednesday, June 03, 2020 2:53 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: RE: Bayer New Dicamba OTT Dataset Summary

Will do, thanks Meg! You can check mine at the same time...

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Wednesday, June 03, 2020 2:50 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: Bayer New Dicamba OTT Dataset Summary

Hello Dan:

Please review the suggested summary below and let me know if you need any additional help on this task.

Thank you,

Meg

Issue Summary:

- The registrant Bayer has requested that EPA review new data claiming volatility reduction benefits from tank mixing the adjuvant MON 51817 with the already registered pesticide product 524-617, which is sold under the brand names M1768 Herbicide and XtendiMax® With VaporGrip® Technology.
- Reviewing this submission will strain EFED's already limited resources and is anticipated to be of minimal use to RD.

Issue Details:

- **Large dataset to review:** The provided dataset (MRIDs 51134100-05) is large and includes data on field volatility, deposition and air concentration modeling, and off-target disposition of various tested spray solutions containing dicamba for post-emergent uses. Reviewing the submission would cost EFED resources at a time when they are already carrying a heavy workload.
- **Non-PRIA submission:** The submission is a non-PRIA dataset for the existing formulation. There is no new formulation application or request to amend Bayer's current OTT dicamba product labeling attached to this submission.
- **Unclear registrant strategy:** RD believes

Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

 Again, if Bayer intends to register a new product incorporating the new adjuvant, or ask EPA to require the use of the adjuvant in partnership with current labeling, no such submission has been received yet by EPA.
- **Minimal anticipated impact on EPA strategy:** The existence of an optional tank mix adjuvant, even if proved to substantially reduce dicamba's volatility, does not mitigate risks from users who choose not to tank mix or use different adjuvants. Furthermore, this submission is specific to Bayer's dicamba OTT use product, and does not impact anticipated risks expected from the use of other registrants' dicamba OTT products.

RD's Conclusion: Reviewing this dataset is a low priority given current work on dicamba OTT use products.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 6/9/2020 8:03:36 PM
To: Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]
Subject: RE: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

My pleasure!

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Sent: Tuesday, June 09, 2020 4:00 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Thanks for getting it in the right folder

On Jun 9, 2020, at 3:59 PM, Hathaway, Margaret <Hathaway.Margaret@epa.gov> wrote:

Thanks Sven-Erik for the heads-up!

Your document was successfully uploaded. I've moved it to the files section on the "References" channel so it is in the same place as the other reference materials such as a copy of the court order.

Take care,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Sent: Tuesday, June 09, 2020 11:05 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Meg – thanks for adding me to the team. I'm new to this, so to test it I uploaded yesterday's hill contact list to the Dicamba team files. Please let me know if that's ok and if any concerns. Best, Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Tuesday, June 09, 2020 10:56 AM

To: Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Cc: Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>

Subject: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Good morning, everyone:

To assist us in coordinating responses to dicamba inquiries relating to the June 3rd court decision vacating the registrations of XtendiMax (Bayer), Engenia (BASF) and FeXapan (Corteva), I have created the "**Dicamba Post-Litigation Outreach**" group in Microsoft Teams.

For completeness, I have included everyone mentioned included on this email in the team. If you wish to be removed from the team, please let me know.

The Dicamba Post-Litigation Outreach team currently has three channels:

1. Inquiry Tracking
2. Inquiry Response Development
3. Reference Documents (for storage of static documents such as the court decision and EPA cancellation order)

I'm sure the structure of this team will evolve as we work through all of the requests coming in, but am happy to get things started. Please let me know if there are any suggestions you may have for how to improve this effort.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 6/3/2020 8:01:50 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Bayer New Dicamba OTT Dataset Summary
Attachments: Recently Received New Dicamba Products - 6-3-20_MH.docx

Hi Dan:

Here is my reorganization of the BASF write-up you drafted. The "Issue Details" subheadings I propose are as follows:

Ex. 5 Deliberative Process (DP)

- Meg

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, June 03, 2020 3:08 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Bayer New Dicamba OTT Dataset Summary

Hi Meg. I liked your write up. I am going to make a few tweaks to it, but it's good, thanks! Do you have time to mold mine into something that might be of similar format to yours, and then we can send them together? We can add mine as a second page. I can edit yours in the meantime; feel free to offer edits to mine.

Thanks again for jumping on this!

Dan

From: Kenny, Daniel
Sent: Wednesday, June 03, 2020 2:53 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Bayer New Dicamba OTT Dataset Summary

Will do, thanks Meg! You can check mine at the same time...

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, June 03, 2020 2:50 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Bayer New Dicamba OTT Dataset Summary

Hello Dan:

Please review the suggested summary below and let me know if you need any additional help on this task.

Thank you,
Meg

Issue Summary:

- The registrant Bayer has requested that EPA review new data claiming volatility reduction benefits from tank mixing the adjuvant MON 51817 with the already registered pesticide product 524-617, which is sold under the brand names M1768 Herbicide and XtendiMax® With VaporGrip® Technology.
- Reviewing this submission will strain EFED's already limited resources and is anticipated to be of minimal use to RD.

Issue Details:

- **Large dataset to review:** The provided dataset (MRIDs 51134100-05) is large and includes data on field volatility, deposition and air concentration modeling, and off-target disposition of various tested spray solutions containing dicamba for post-emergent uses. Reviewing the submission would cost EFED resources at a time when they are already carrying a heavy workload.
- **Non-PRIA submission:** The submission is a non-PRIA dataset for the existing formulation. There is no new formulation application or request to amend Bayer's current OTT dicamba product labeling attached to this submission.
- **Unclear registrant strategy:** RD believes

Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Again, if Bayer intends to register a new product incorporating the new adjuvant, or ask EPA to require the use of the adjuvant in partnership with current labeling, no such submission has been received yet by EPA.
--
- **Minimal anticipated impact on EPA strategy:** The existence of an optional tank mix adjuvant, even if proved to substantially reduce dicamba's volatility, does not mitigate risks from users who choose not to tank mix or use different adjuvants. Furthermore, this submission is specific to Bayer's dicamba OTT use product, and does not impact anticipated risks expected from the use of other registrants' dicamba OTT products.

RD's Conclusion: Reviewing this dataset is a low priority given current work on dicamba OTT use products.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 6/3/2020 7:10:01 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Bayer New Dicamba OTT Dataset Summary

Thanks Dan! And sure, let me take a look at your BASF write-up now.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, June 03, 2020 3:08 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Bayer New Dicamba OTT Dataset Summary

Hi Meg. I liked your write up. I am going to make a few tweaks to it, but it's good, thanks! Do you have time to mold mine into something that might be of similar format to yours, and then we can send them together? We can add mine as a second page. I can edit yours in the meantime; feel free to offer edits to mine.

Thanks again for jumping on this!

Dan

From: Kenny, Daniel
Sent: Wednesday, June 03, 2020 2:53 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Bayer New Dicamba OTT Dataset Summary

Will do, thanks Meg! You can check mine at the same time...

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, June 03, 2020 2:50 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Bayer New Dicamba OTT Dataset Summary

Hello Dan:

Please review the suggested summary below and let me know if you need any additional help on this task.

Thank you,
Meg

Issue Summary:

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- Reviewing this submission will strain EFED's already limited resources and is anticipated to be of minimal use to RD.

Issue Details:

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- **Non-PRIA submission:** The submission is a non-PRIA dataset for the existing formulation. There is no new formulation application or request to amend Bayer's current OTT dicamba product labeling attached to this submission.

- **Unclear registrant strategy:** RD believes

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Again, if Bayer intends to register a new product incorporating the new adjuvant, or ask EPA to require the use of the adjuvant in partnership with current labeling, no such submission has been received yet by EPA.

- **Minimal anticipated impact on EPA strategy:** The existence of an optional tank mix adjuvant, even if proved to substantially reduce dicamba's volatility, does not mitigate risks from users who choose not to tank mix or use different adjuvants. Furthermore, this submission is specific to Bayer's dicamba OTT use product, and does not impact anticipated risks expected from the use of other registrants' dicamba OTT products.

RD's Conclusion: Reviewing this dataset is a low priority given current work on dicamba OTT use products.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 7/15/2020 5:19:47 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: *JUST ADDED* Next Bi-Weekly w/Administrator is THIS FRIDAY 7/17 11AM

Thank you, Emily!

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, July 15, 2020 1:08 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: *JUST ADDED* Next Bi-Weekly w/Administrator is THIS FRIDAY 7/17 11AM

Hi,

I have attached the cover letter, application, and label for each product. Let me know if there is anything else you need.

Thanks,
Emily

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, July 15, 2020 1:03 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: *JUST ADDED* Next Bi-Weekly w/Administrator is THIS FRIDAY 7/17 11AM

Hi Emily:

For your reference, here's the email chain that started the excitement just now. I sent Dan the paperwork from 7/2 for Bayer's "New Product Submission (R320): M1768 Herbicide (XtendiMax With VaporGrip Technology)" package, but as I mentioned via Skype, aren't sure about the BASF submission.

- Meg

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Wednesday, July 15, 2020 12:45 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: *JUST ADDED* Next Bi-Weekly w/Administrator is THIS FRIDAY 7/17 11AM

I am in a general with the AA right now – she wants to just keep it on the Administrator's radar so make it high level. Break down the main steps by month as best you can. Sorry not much option here.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, July 15, 2020 12:36 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: *JUST ADDED* Next Bi-Weekly w/Administrator is THIS FRIDAY 7/17 11AM

Mike, I'm just seeing this now. I'm not sure I really understand what is needed by a "timeline". We're still trying to figure all this out. Are we talking about the sequence of events? I'm not sure if I'm going to be able to do a thorough job on this request if it's due in the next 25 minutes.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Wednesday, July 15, 2020 11:57 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: FW: *JUST ADDED* Next Bi-Weekly w/Administrator is THIS FRIDAY 7/17 11AM

Dan

Please see the priority request below.
I am finding out when they need to have this and will let you know.

Suggest it mainly be bullets with 1-2 sentences each.
Start with brief background the court decision
then the applications that were submitted
reviewing data, addressing court order, revising RA, risk management options, decision

let me know if you have questions

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Sent: Wednesday, July 15, 2020 10:11 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: *JUST ADDED* Next Bi-Weekly w/Administrator is THIS FRIDAY 7/17 11AM

Alex wants a Dicamba timeline for her bi-weekly meeting with the Administrator on Friday.
See below.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Grable, Melissa <Grable.Melissa@epa.gov>
Sent: Wednesday, July 15, 2020 9:55 AM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: *JUST ADDED* Next Bi-Weekly w/Administrator is THIS FRIDAY 7/17 11AM

Darlene,

We just heard from Alex that she would like a timeline for her meeting on Friday with the Administrator on what we are doing on dicamba from now until October's decision time. She would like us to look back to when we go the applications in from BASF and Bayer.

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Wednesday, July 15, 2020 9:51 AM
To: Tyler, Tom <Tyler.Tom@epa.gov>
Cc: Fischer, David <Fischer.David@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>
Subject: RE: *JUST ADDED* Next Bi-Weekly w/Administrator is THIS FRIDAY 7/17 11AM

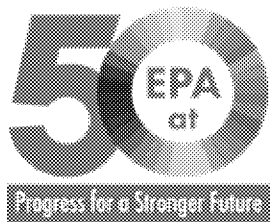
A timeline would be good. Like from now til October decision time what we will be doing. Include looking back to I believe last week when we got the applications in from BASF and Bayer.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Tyler, Tom <Tyler.Tom@epa.gov>
Sent: Tuesday, July 14, 2020 7:38 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Fischer, David <Fischer.David@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>
Subject: RE: *JUST ADDED* Next Bi-Weekly w/Administrator is THIS FRIDAY 7/17 11AM

Need/want any material on Dicamba?

Tom Tyler, Chief of Staff
Office of Chemical Safety and Pollution Prevention
United States Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC 7101M), Washington, DC 20460
w202.566.0808 c202.770.6608 tyler.tom@epa.gov OCSPP/IO 3148A East



From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Tuesday, July 14, 2020 6:25 PM
To: Tyler, Tom <Tyler.Tom@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Dekleva, Lynn <dekleva.lynn@epa.gov>;

Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Hughes, Hayley <hughes.hayley@epa.gov>; Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Malloy, Ruth <malloy.ruth@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Wooge, William <Wooge.William@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Mayes, Desmond <Mayes.Desmond@epa.gov>
Cc: Brown, KendraR <Brown.KendraR@epa.gov>; Anderson, Monique <anderson.monique@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Berkley, Bruce <Berkley.Bruce@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: *JUST ADDED* Next Bi-Weekly w/Administrator is THIS FRIDAY 7/17 11AM

Agenda:

- 1) ETO (meeting set up for tomorrow am to discuss)
- 2) NRDC Neonics Petition (Paper almost done)
- 3) Update on Dicamba – process going forward/timing for key decisions

From: Tyler, Tom <Tyler.Tom@epa.gov>
Sent: Tuesday, July 14, 2020 2:39 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Dekleva, Lynn <dekleva.lynn@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Hughes, Hayley <hughes.hayley@epa.gov>; Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Malloy, Ruth <malloy.ruth@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Wooge, William <Wooge.William@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Mayes, Desmond <Mayes.Desmond@epa.gov>
Cc: Brown, KendraR <Brown.KendraR@epa.gov>; Anderson, Monique <anderson.monique@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Berkley, Bruce <Berkley.Bruce@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: *JUST ADDED* Next Bi-Weekly w/Administrator is THIS FRIDAY 7/17 11AM
Importance: High

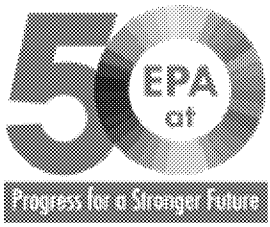
Alex, David, Rick, Lynn – Let's discuss potential topics at DAA General so we can alert programs if materials needed

Yvette, Hayley, Ed – Please propose any topics (e-mail me and Monique & copy Mary or Melissa) and plan to discuss in your Generals (although OSCP has no general this week)

Darlene & Alison – Please note in your General agendas this week

Thank you!

Tom Tyler, Chief of Staff
Office of Chemical Safety and Pollution Prevention
United States Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC 7101M), Washington, DC 20460
w202.566.0808 c202.770.6608 tyler.tom@epa.gov OCSPP/IO 3148A East



Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 6/9/2020 1:56:33 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Thanks Dan!

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, June 09, 2020 9:11 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Thanks Meg. I think you'd be a great choice for this.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 09, 2020 8:46 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

I can help if needed, but will let you all make the final call.

- Meg

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, June 09, 2020 8:25 AM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Who do you all suggest should be on the workgroup?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 8:18 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

As you can imagine, we are starting to get a lot of questions about what different provisions in the cancellation order mean. For example, some of the questions we've received include:

1. If the retailer has a commercial applicator business, can that commercial applicator apply product that was in the retail warehouse as of June 3, 2020?
2. If the retailer has inventory in stock that had been purchased by a grower prior to June 3, 2020, but not yet delivered, can that product be applied by a commercial applicator? The order appears to prohibit delivery of that product to the purchasing grower.
3. If a retailer is storing product for a grower who may have already bought it, can the grower have it? Or since it is in the retailer's facility, can they not take possession?
4. What is the legal status of the movement of product that states allowed between June 3rd and June 8th?

We need someone from RD to be part of the group to work with OGC to develop responses. Who could that be? Probably need a name as early as possible this morning. OGC has also suggested that a Microsoft Teams site be created to facilitate getting answers drafted.

From: Keigwin, Richard

Sent: Monday, June 08, 2020 7:48 PM

To: Messina, Edward <Messina.Edward@epa.gov>; Arnold Layne (Layne.Arnold@epa.gov) <Layne.Arnold@epa.gov>; OPP Division Directors <OPP_Division_Directors@epa.gov>; OPP Deputy & Associate Directors <OPP_Deputy_&Associate_Directors@epa.gov>; Darlene Dinkins (Dinkins.Darlene@epa.gov) <Dinkins.Darlene@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>

Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Sent: Monday, June 08, 2020 7:46 PM

Subject: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations



EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) – Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's [cancellation order](#) outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

“At the height of the growing season, the Court’s decision has threatened the livelihood of our nation’s farmers and the global food supply,” **said EPA Administrator Andrew Wheeler**. “Today’s cancellation and existing stocks order is consistent with EPA’s standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks.”

EPA’s order will mitigate some of the devastating economic consequences of the Court’s decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA’s order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

1. Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
2. Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product’s previously-approved label, and may not continue after July 31, 2020.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA’s pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America’s food supply.

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 6/9/2020 7:17:34 PM
To: Meadows, Carrie Vicenta [Meadows.CarrieVicenta@epa.gov]
CC: Striegel, Megan [Striegel.Megan@epa.gov]
Subject: RE: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Certainly! I have added her now.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>
Sent: Tuesday, June 09, 2020 2:30 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Striegel, Megan <Striegel.Megan@epa.gov>
Subject: RE: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Could you include Megan from the Ag team? She can help to coordinate to ensure all of the documents we received are also in there.

Carrie Vicenta Meadows
Agriculture Advisor to the Administrator
U.S. Environmental Protection Agency
Cell: (202) 313-1010
Meadows.CarrieVicenta@epa.gov

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 9, 2020 10:56 AM
To: Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>
Subject: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Good morning, everyone:

To assist us in coordinating responses to dicamba inquiries relating to the June 3rd court decision vacating the registrations of XtendiMax (Bayer), Engenia (BASF) and FeXapan (Corteva), I have created the “**Dicamba Post-Litigation Outreach**” group in Microsoft Teams.

For completeness, I have included everyone mentioned included on this email in the team. If you wish to be removed from the team, please let me know.

The Dicamba Post-Litigation Outreach team currently has three channels:

1. Inquiry Tracking
2. Inquiry Response Development
3. Reference Documents (for storage of static documents such as the court decision and EPA cancellation order)

I’m sure the structure of this team will evolve as we work through all of the requests coming in, but am happy to get things started. Please let me know if there are any suggestions you may have for how to improve this effort.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 6/10/2020 6:47:58 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Bayer Statement - Attn. HB

Dan, should HB reach out to Bayer at this point to clarify?

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, June 10, 2020 10:40 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Bayer Statement - Attn. HB

I would think that too but that was submitted under the vacated product and not a new registration so it's confusing.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, June 10, 2020 10:38 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Bayer Statement - Attn. HB

My guess was the Vaporgrip X submission package, but that's not a registration application, just data.

Or perhaps they are talking about our current(?) review of the (now vacated) Xtendimax registration that was on track for fall, and are hoping that process is still active and can magically reinstate the old registration?

In short, I am also uncertain what action Bayer is referring to.

- Meg

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, June 10, 2020 10:24 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Bayer Statement - Attn. HB

Dan,

Do you know which registration they are talking about? I can't figure it out.

-Emily

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 09, 2020 3:35 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: FW: Bayer Statement - Attn. HB

Hello All:

I've just glanced at this Bayer statement that Rick forwarded to us, but in case you haven't opened it yet, I suspect the following line is the one most relevant for HB:

"The EPA is currently reviewing a new registration for XtendiMax for the 2021 season and beyond – we hope the EPA completes the review and issues a new registration by this fall."

- Meg

From: Keigwin, Richard <Keigwin.Richard@epa.gov>

Sent: Tuesday, June 09, 2020 12:54 PM

To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Subject: Bayer Statement

FYI

From: Dunn, Alexandra <dunn.alexandra@epa.gov>

Sent: Tuesday, June 09, 2020 12:07 PM

To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Subject: RE: UPDATE!

[6/9/2020 11:21 AM]

Can a retailer who has inventory in stock that had been purchased by a grower (via written or verbal contract) prior to June 3 but not yet delivered, can that product be applied by a commercial applicator?

[6/9/2020 11:26 AM]

Can a retailer who has inventory in stock that had been purchased by a grower via written or verbal contract be delivered?

[6/9/2020 11:29 AM]

If the retailer is also a commercial applicator does it make a difference?

[6/9/2020 11:36 AM]

Do we need to amend the order to allow retailers to distribute or sale for the purpose of facilitating use?

[6/9/2020 11:59 AM]

What actions can be taken by different people in the supply chain under our order?

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention

ED_005570D_00054477-00002

US Environmental Protection Agency
Washington, DC

From: Dunn, Alexandra

Sent: Tuesday, June 9, 2020 10:55 AM

To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>

Cc: Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Subject: RE: UPDATE!

Another letter w questions.

From: Dunn, Alexandra

Sent: Tuesday, June 9, 2020 10:52 AM

To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>

Cc: Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Subject: RE: UPDATE!

All, I am going to invite us to a Skype Meeting for 1115 so that we can prioritize the work that needs to happen today, the form it will take, and the timing of it all. Please hop on and hopefully we can decide how to proceed and help one another.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>

Sent: Tuesday, June 9, 2020 10:20 AM

To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>

Cc: Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Subject: RE: UPDATE!

I think these all go back to the same question—What constitutes a sell. I.e. if a product has been contracted verbally or in writing to a farmer OR a commercial applicator, but not yet paid for, is there an issue with this product being transferred. So I think that also gets to Cotton's question of whether or not ONLY commercial applicators can have this product.

From: Dunn, Alexandra <dunn.alexandra@epa.gov>

Sent: Tuesday, June 9, 2020 10:08 AM

To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: UPDATE!

Carrie, which is the most IMPORTANT question PTSLO should answer now. Is it the cotton one? We have to prioritize.

From: Dunn, Alexandra
Sent: Tuesday, June 9, 2020 10:04 AM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>
Cc: Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: UPDATE!

From Cotton, Steve Helmsley:

Unfortunately, emails are blowing up trying to interpret something that you may think is clear.

1. Is it correct that distributors and retailers who are NOT commercial applicators must return or dispose?
2. Is it correct that retailers who ARE commercial applicators can distribute or sell for the purpose of facilitating use? And,
 1. 'Distribute or sell' would mean they can apply it as applicators or sell it to growers to apply?

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Dunn, Alexandra
Sent: Tuesday, June 9, 2020 10:03 AM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>
Cc: Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: UPDATE!

Question from CropLife and Jim Massie:

applicator and distributors need to know whether its "ok" to use the material that is already in the chain of distribution.

Jim Massie
202-841-8037

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>
Sent: Tuesday, June 9, 2020 9:53 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: UPDATE!

Apologies to Meg in advance, but just confirming we should forward her all the inquiries.

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 9, 2020 9:24 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: UPDATE!

Meg Hathaway in OPP's Registration Division will be our point for this effort.

From: Keigwin, Richard
Sent: Tuesday, June 09, 2020 8:40 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>
Cc: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>
Subject: RE: UPDATE!

OPP will take the lead in getting the Teams site established. Mike Goodis is in the process of identifying someone to work with us in developing the Qs and As.

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Tuesday, June 09, 2020 8:18 AM
To: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison,

Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>

Subject: RE: UPDATE!

Michele can you create the teams site pls?

Here's one from the OPA:

Q: Does this mean that the EPA says no more to using the three products at all after July 31? Is EPA not going to appeal this or to clarify, is this part of the appeal?

A (to be properly formatted): We cannot answer the question on appeal. Under EPA's cancellation order, after July 31, the product cannot be used.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention

From: Block, Molly
Sent: Monday, June 8, 2020 8:45 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Dennis, Allison <Dennis.Allison@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: Re: Follow Up Press Inquiries

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Sent: Tuesday, June 9, 2020 7:01 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>
Subject: RE: UPDATE!

PTSLO and I are also working on the following:

With regard to paragraph 2(c) (on page 11), if a company is both a commercial applicator and retailer, can it continue to sell product even if some of their individual retail locations don't provide commercial application services?

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 9, 2020 6:45 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick

<bolen.derrick@epa.gov>

Subject: RE: UPDATE!

Not sure who is creating the Teams site, but here are some additional q's I received overnight:

- If a retailer is storing product for a grower who may have already bought it, can the grower have it? Or since it is in the retailer's facility, can they not take possession?
- What is the legal status of the movement of product that states allowed between June 3rd and June 8th?

From: Dunn, Alexandra <dunn.alexandra@epa.gov>

Sent: Monday, June 08, 2020 10:00 PM

To: Knorr, Michele <knorr.michele@epa.gov>

Cc: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>

Subject: Re: UPDATE!

Let's go with a teams site. It will help I think!

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Jun 8, 2020, at 9:28 PM, Bolen, Derrick <bolen.derrick@epa.gov> wrote:

<https://www.aradc.org/news/ara-seeks-clarification-epa-courts-dicamba-decisions-impact-ag-retailers>

Thank you,
Derrick Bolen

On Jun 8, 2020, at 9:14 PM, Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov> wrote:

The question of sales is coming up a lot. Apparently there is a unique issue with sales Mississippi that will need clarification.

Sent from my iPhone

On Jun 8, 2020, at 8:30 PM, Knorr, Michele <knorr.michele@epa.gov> wrote:

Consider creating a teams site where we can have a question and answer document loaded to the files function and that way anyone can access it. I can work with folks to create this if you'd like.

Michele Knorr
OGC
202-564-5631

On Jun 8, 2020, at 8:24 PM, Dunn, Alexandra <dunn.alexandra@epa.gov> wrote:

Can we create a document with all the questions? Michele's one drive worked awesome.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Jun 8, 2020, at 8:15 PM, Keigwin, Richard <Keigwin.Richard@epa.gov> wrote:

So far, I have received the following Qs:

To achieve some clarity we would appreciate answers to the following questions:

1. If the retailer has a commercial applicator business, can that commercial applicator apply product that was in the retail warehouse as of June 3, 2020?
2. If the retailer has inventory in stock that had been purchased by a grower prior to June 3, 2020, but not yet delivered, can that product be applied by a commercial applicator? The order appears to prohibit delivery of that product to the purchasing grower.

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: <http://www.epa.gov/pesticides>
Sent from my iPhone (Please excuse typos!)

On Jun 8, 2020, at 7:42 PM, Meadows, Carrie Vicenta
<Meadows.CarrieVicenta@epa.gov> wrote:

I have already gotten a call about contracts and selling. It will probably be worth writing something so we are all responding the same.

Sent from my iPhone

On Jun 8, 2020, at 7:23 PM, Dunn, Alexandra <dunn.alexandra@epa.gov> wrote:

Still waiting on a link

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Jun 8, 2020, at 6:45 PM, Dunn, Alexandra <dunn.alexandra@epa.gov> wrote:

T-15 minutes from presser with link in it. Rick, Allison is getting us the link.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Dunn, Alexandra
Sent: Monday, June 8, 2020 6:44 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>
Cc: Knorr, Michele <Knorr.Michele@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Lis-Coghlan, Kamila <liscoghlan.kamila@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: UPDATE!

+ Rick in case we use this chain again. I used it and he's not on it! ☺

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Dunn, Alexandra
Sent: Monday, June 8, 2020 6:10 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>
Cc: Knorr, Michele <Knorr.Michele@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Lis-Coghlan, Kamila <liscoghlan.kamila@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Subject: UPDATE!

The order is on way for signature and press is done and will link to signed order.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 6/4/2020 1:10:21 PM
To: Gaines, Jennifer [gaines.jennifer@epa.gov]
Subject: RE: Dicamba registrations vacated

Thanks Jen. I'd seen the opinion but not the news articles, so that was helpful.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Gaines, Jennifer <gaines.jennifer@epa.gov>
Sent: Thursday, June 04, 2020 7:33 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Ondish, Mindy <ondish.mindy@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: FW: Dicamba registrations vacated

Hi all,

I received the below information pertaining to dicamba and wanted to pass it along in case you all haven't seen it yet.

Jen

Jennifer Gaines
Acting Enforcement Coordinator and State Liaison
Government and International Services Branch
Field and External Affairs Division
U.S. Environmental Protection Agency
(703) 305-5967

From: Amy Sullivan <aapco.sfireg@gmail.com>
Sent: Thursday, June 4, 2020 7:14 AM
To: aapco.sfireg <aapco.sfireg@gmail.com>
Subject: Dicamba registrations vacated

Good morning,

Yesterday, June 3, 2020, the US Court of Appeals for the Ninth Circuit: 'We hold that the EPA's October 31, 2018, decision, and the conditional new-use registrations of XtendiMax, Engenia, and FeXapan for use on DT soybean and cotton that are premised on that decision, violate FIFRA.'

See the opinion here: <https://usrtk.org/wp-content/uploads/2020/06/Court-decision-on-dicamba.pdf>

The Below are some links to news stories.

<https://www.dtnpf.com/agriculture/web/ag/crops/article/2020/06/04/ninth-circuit-vacates-three-dicamba>

<https://www.agri-pulse.com/articles/13827-ninth-circuit-vacates-dicamba-registrations>

<https://www.bloombergquint.com/business/bayer-s-dicamba-registration-pulled-by-court-on-herbicide-s-risk>

Sincerely, Amy

Amy Sullivan

Executive Secretary

AAPCO-SFIREG

406-431-3176

<https://aapco.org>

<https://twitter.com/aapcoexecsec>

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 5/6/2020 8:04:18 PM
To: Steckel, Larry [lsteckel@utk.edu]
Subject: RE: BEAD - dicamba research ask

Hello Larry:

Thank you for this additional resistance information! I will let you know if the team has any further questions.

Best regards,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Steckel, Larry <lsteckel@utk.edu>
Sent: Sunday, April 26, 2020 8:52 PM
To: Jason Keith Norsworthy <jnorswor@uark.edu>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Tindall, Kelly <tindall.kelly@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: BEAD - dicamba research ask

Hi All

I have added some responses in green next to Dr. Norsworthys... Attached please find two maps. One on the current status of Palmer amaranth resistance in TN. Also the location of where suspect Dicamba resistant Palmer amaranth may be present based on field observations and follow-up green house work conducted by myself and/or Dr. Norsworthy. The 2nd map shows the results of a two year survey of junglerice escapes in Xtend crops. Also see below a comparison of glyphosate vs glyphosate+dicamba and clethodim vs clethodim+dicamba on junglerice control conducted in the field in 2019 near Milan, TN. This will be repeated late next month.

Thanks
Larry Steckel
University of Tennessee Professor and Extension Specialist

The Abstract for the junglerice survey:

Junglerice has become a major weed in Tennessee cotton and soybean fields. Glyphosate has been heavily relied upon to control these populations over the past two decades but in recent years cotton and soybean producers have reported junglerice escapes after glyphosate, dicamba and/or clethodim applications. Therefore, in the falls of 2018 and 2019, a survey was conducted of weed escapes in Xtend crop fields. Junglerice was the most prevalent weed escape in these

Xtend cotton and soybean fields in both years of the study. In 2018 and 2019 junglerice was found 76% and 64% of the time respectively in Xtend cotton and soybean fields. The second most frequently found weeds were barnyardgrass in 2018 and Palmer amaranth in 2019. Progeny from junglerice collected during this survey was screened for glyphosate and clethodim resistance using five different use rates. This survey showed that 70% of the junglerice populations tested had an effective LD50 of 3.1 to 8.5 (susceptible checks 160 g ae ha⁻¹ compared with 500 to 1230 g ae ha⁻¹). In all, 13% of the junglerice populations could no longer be effectively controlled with glyphosate. This research also showed that all sampled populations could still be controlled with clethodim under good environmental conditions such as in a greenhouse environment but less control was seen in the field. These data would indicate that a reason for the junglerice escapes in Xtend cotton and soybean fields is in part due to an evolution of glyphosate resistance in about 13% of the weeds population in Tennessee. These data would also imply that 87% of the reason for the poor junglerice control is dicamba antagonizing the glyphosate and clethodim activity on that weed. When both these results are put together they suggest that the overall reason for the poor junglerice control in 64 to 76% of the Xtend fields in the survey is largely due to dicamba antagonism of glyphosate and clethodim and in part due to glyphosate-resistance.

From: Jason Keith Norsworthy <jnorswor@uark.edu>

Sent: Sunday, April 26, 2020 11:00 AM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Tindall, Kelly <tindall.kelly@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Steckel, Larry <lsteckel@utk.edu>

Subject: RE: BEAD - dicamba research ask

[External Email]

Hi Meg,

Below please find answers to the questions from BEAD. Feel free to reach out to me if anyone has further questions.

I have copied Dr. Larry Steckel on this email. As you are aware, he has also had major issues with controlling Palmer amaranth with dicamba in Tennessee in 2019. Some of his populations are included in the dose response summary that you will find in the PowerPoint slides.

Regards,

Jason Norsworthy, PhD
Distinguished Professor and Elms Farming Chair of Weed Science
1366 West Altheimer Dr.
Fayetteville, AR 72704

Tel: 479-575-8740
Mob: 479-313-1265

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, March 6, 2020 5:18 PM
To: Jason Keith Norsworthy <jnorswor@uark.edu>
Cc: Tindall, Kelly <tindall.kelly@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: BEAD - dicamba research ask

Hello Dr. Norsworthy:

Following up on the dicamba data requests from EFED, my colleagues in BEAD are also interested in seeing additional dicamba-related data. My understanding is that Kelly Tindall already spoke with you on this topic, but I wanted to reach out and provide more details on what BEAD is thinking.

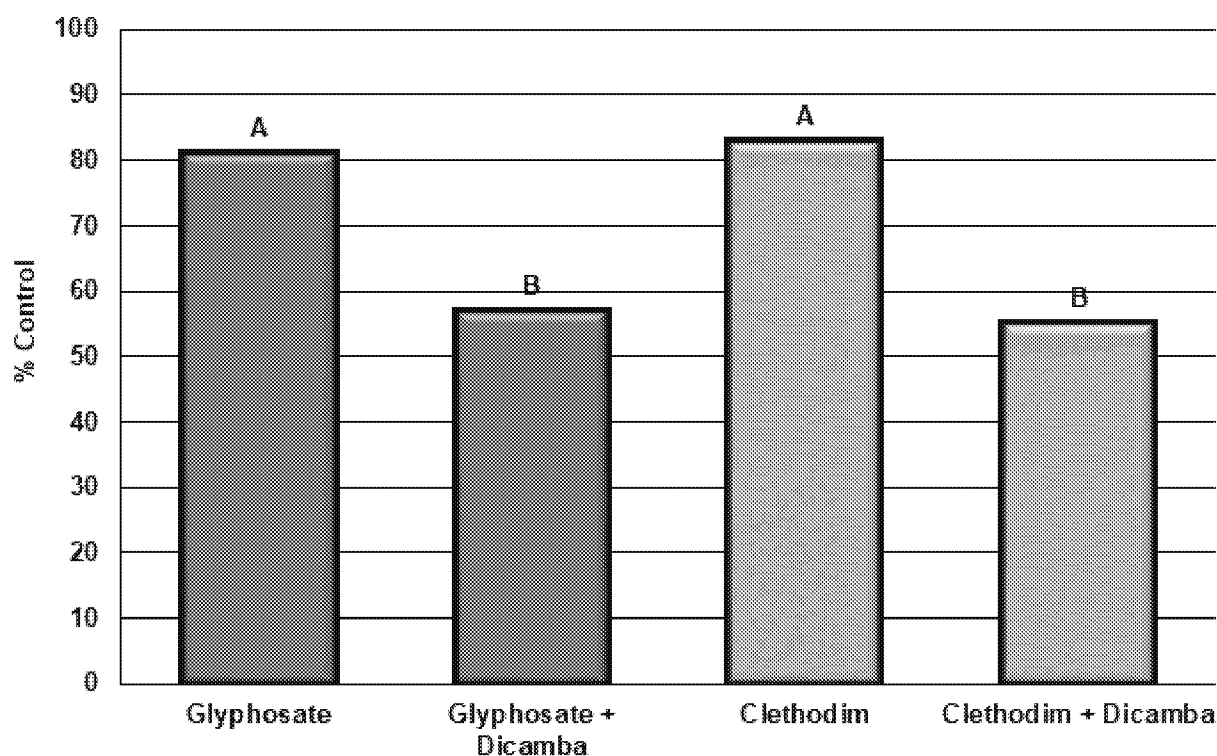
The general focus is information on performance, observations of reduced efficacy owing to weed resistance, antagonism, and/or droplet size requirements. BEAD is also interested in any direct yield studies. If other researchers besides yourself may have information on these topics, my management asked that I encourage you to reach out to those others as well.

Finally, one major distinction between this and the EFED ask is that BEAD isn't necessarily needing raw data but instead is looking for public and published information. Here is a copy of BEAD's wish list. Please let me know if you have any questions:

Additional information requested by BEAD from University researchers about regarding dicamba as a follow-up from January 16, 2020.

Publicly available University work (e.g., manuscripts, meeting proceedings, presentations, blog posts newsletters) that addresses:

- Poor performance
 - Related to antagonism
 - Did you conduct studies that looked at two applications that were applied sequentially where one application of dicamba only and one of glyphosate only, versus a tank mix of dicamba plus glyphosate? I do not have data for sequential applications of separating the two herbicides. I do have data showing that antagonism results from mixing the two herbicides on barnyardgrass, which is well documented in the literature. Below, I provide citations from some of my research as well as studies conducted by others showing antagonism.
 - Meyer CJ, Norsworthy JK (2019) Influence of weed size on herbicide interaction for Enlist and Roundup Ready Xtend technologies. *Weed Technol* 33:569-577
 - Meyer CJ, Norsworthy JK, Kruger GR, Barber T (2015) Influence of droplet size on efficacy of formulated products Engenia, Roundup PowerMax, and Liberty. *Weed Technol* 29:641-652
 - Flint JL, Barrett M (1989) Antagonism of glyphosate toxicity to johnsongrass (*Sorghum halepense*) by 2,4-D and dicamba. *Weed Sci* 37:700-705
 - O'Sullivan PA, O'Donovan JT (1980) Interaction between glyphosate and various herbicides for broadleaved weed control. *Weed Res* 20:255-260
-
-



In the field

comparison from 2019 in Tennessee using single degree of freedom contrast statements comparing junglerice control 21 days after application with glyphosate at 870 g ha⁻¹ to glyphosate at 870 g ha⁻¹ + dicamba at 560 g ha⁻¹ and clethodim at 105 g ha⁻¹ compared with clethodim at 105 g ae ha⁻¹ + dicamba 560 g ha⁻¹.

- **What species of weed were impacted?** Grasses are mainly impacted when mixing glyphosate and dicamba. Dicamba routinely lowers the efficacy of glyphosate, which is believed to be contributing to some of the failures on barnyardgrass and junglerice in Tennessee and other states as well as selection for resistance in these grasses.
- **Did you make any changes to your recommendations for dicamba/glyphosate applications based on what you saw in 2019?** The mixture of glyphosate plus dicamba is not permitted in Arkansas after April 15 per Arkansas State Plant Board guidelines. This rule came into effect for the 2019 growing season and remains in place for 2020. Beside antagonism on grasses, mixing glyphosate with dicamba is well documented to significantly increase dicamba's volatility. Drs. Bradley and Mueller have published on this fact, and I also have data supporting increased volatility.

- Our recommendations are printed in the UT Weed manual PB 1580 on page 31 for cotton and 42 for soybean. <http://utcrops.com/weeds/PDFs/PB1580.pdf>

The soybean recommendation reads: Applicators must take dicamba-specific training and be a certified applicator. In addition to label requirements, the following best management practices are recommended by UT to minimize off-target movement. UT research suggests that dicamba-based herbicides are more prone to off-target movement as temperature increases. Best management practices to minimize drift are to only apply if the expected high air temperature of the day is less than 85°F or before June 15 whichever is more restrictive. UT research also suggests that tankmixing glyphosate with these low-volatile dicamba formulations will lower the solution pH which can result in increased dicamba emissions. Despite many applicators' best efforts with applications, drift has apparently occurred with these products in multiple directions from treated fields independent of wind direction. Do not apply if sensitive crops or plants are in adjacent fields. Also, labels must be followed with great attention to detail. Spraying at night, wrong nozzles, off-label wind speed, excessive boom height, the addition of AMS to spray mixture, etc. could increase chances for off-target movement. The current labeled cutoff for dicamba applications in Xtend soybean is R1 or 45 days after planting. Tavium a premix of XtendiMax and Dual Magnum has a more restrictive label than XtendiMax. Refer to the label or websites for more restrictions and information. Tankmixes with these three herbicides may antagonize glyphosate and/or clethodim grass control.

Our recommendations are not Tennessee law but the TDA refers to them here: <https://www.tn.gov/agriculture/news/2018/12/27/dicamba-guidelines.html>

- Related to resistance – are you aware of any blog posts/newsletters or the like that discuss “suspected” resistance?
 - First, Kansas State documented Palmer amaranth resistance to dicamba and 2,4-D in 2019. See the following <https://www.agriculture.com/crops/pesticides/palmer-amaranth-that-resists-24-d-and-dicamba-confirmed-in-kansas>
 - The following article describes some of the dicamba failures on Palmer amaranth in the Midsouth. <https://agfaxweedsolutions.com/2020/02/28/dicamba-pigweed-punches-back-dtn/>
 - Larry Steckel posted the following blog in March. The first picture in the blog was taken by myself from screenings I conducted in the January and February 2020. <https://news.utcrops.com/2020/03/results-of-the-2019-palmer-amaranth-dicamba-screen/>
 - Pictures were shown of obvious regrowth of Palmer following a dicamba application. Please explain the reasons for regrowth of dicamba after application (e.g. performance, application timing, antagonism).
 - Antagonism between glyphosate and dicamba is not an issue for Palmer amaranth, only grasses. Rather, an obvious decline in the sensitivity of Palmer amaranth to dicamba and the beginning stages of metabolic resistance to the herbicide is believed to be the cause for the field failures observed this past year.
 - Are you conducting resistance screens for “suspected” cases of resistance?
 - Approximately, how many populations? I have approximately 100 accessions (populations), but some of these I was unable to get to germinate. I have completed screening about 65 accessions and should have another 15 accessions completed in about 3 weeks. Results for the completed accessions are included in this email along with dose response analysis for a few selected accessions.
 - Which species? Palmer amaranth
 - When would results be available? I have attached the completed results to this email. More results available in the coming weeks.
- See below from pb1580: Based on the poor Palmer control we experienced in 2019 the UT weed manual committee has given Engenia/XtendiMax a 6 for Palmer amaranth control. This score reflects the reality in the field where most Palmer has to be sprayed twice to be controlled and even then at times some escapes were evident. Also notice the * we gave Junglerice, barnyardgrass and goosegrass on glyphosate and dicamba tankmixtures.

- ***EXPECTED WEED RESPONSE FROM POSTEMERGENCE SOYBEAN HERBICIDES***

- ○

-
-
- Yield response related to poor performance:
 - Are results available for yield studies that were conducted with the same plant genetics where plots were maintained weed-free (by any combination of conventional herbicides, hand hoeing, or dicamba) compared to dicamba programs where performance issues occurred? I do not have any such data. I do have data showing that dicamba does not provide complete control of Palmer amaranth, even with sequential applications on some difficult-to-control populations, but the yield impact is unknown. I have attached a slide from a field trial in a soybean producer's field in Marion, AR. This photo was taken 14 days after the second application of dicamba (Engenia). To assume that surviving Palmer amaranth plants have no impact on yield would not be accurate representation of what happens in these fields. From the photos Larry Steckel shared with EPA of Palmer amaranth infested fields in Tennessee following multiple applications, it is safe to assume some level of yield loss resulted as well as an impact on fiber quality in the severely infested cotton fields. However, I have no way of knowing how much.
 - * I will follow up and ask some of the farmers on estimates of yield loss.

Thank you,

Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 4/17/2020 9:45:37 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Bayer VGX Bibliography - Dicamba

Hi Dan:

Any updates on our thinking re. Bayer's VaporGrip inquiry?

We had been waiting to reply until the Agency's letters and emails regarding data submission timing went out, and that has now all been done. At least for Bayer. We still may need to reach out to Corteva again.

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Thursday, April 09, 2020 11:05 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Farruggia, Frank <Farruggia.Frank@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Sankula, Sujatha <Sankula.Sujatha@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Bayer VGX Bibliography - Dicamba

I have no comments but one suggestion. You may want to note that the VGX is also an improved tank mix partner

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, April 08, 2020 5:57 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Cc: Farruggia, Frank <Farruggia.Frank@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Sankula, Sujatha <Sankula.Sujatha@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Bayer VGX Bibliography - Dicamba

How does the following language sound for responding to Bayer on the VGX data they are offering?

"Hello George:

Thank you once again for the provided bibliography listing Bayer's available VaporGrip X data. After internal discussion, my office has determined that we are not requesting to review VaporGrip X data at this time.

As VaporGrip X is not required as a formulation ingredient in any dicamba product [*is this correct?*], the VaporGrip X data included in Bayer's provided bibliography is outside the scope of EPA's upcoming 2020 decision for dicamba registrations with over-the-top uses. Should Bayer wish to submit an action requesting a new product registration that includes VaporGrip X as a required formulation ingredient, the Agency would evaluate any relevant VaporGrip X data at that time, under the regulatory timeframe specific to that new action.

Best regards,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist

U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Hathaway, Margaret

Sent: Wednesday, April 08, 2020 1:19 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>

Cc: Farruggia, Frank <Farruggia.Frank@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Sankula, Sujatha <Sankula.Sujatha@epa.gov>; Wagman, Michael

<Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>;

Meadows, Sarah <Meadows.Sarah@epa.gov>

Subject: RE: Bayer VGX Bibliography - Dicamba

Thanks Dan and Mark. Since it seems RD and EFED are in agreement that this VGX data not of interest to EPA at this time, the next step will be communicating that back to Bayer. I'm thinking an email would be sufficient?

Assuming that, I can draft some language and show it to you all before sending. I don't want to unintentionally excuse Bayer from sending us anything we are still interested in for the pending 2020 OTT registration decision.

- Meg

From: Kenny, Daniel <Kenny.Dan@epa.gov>

Sent: Wednesday, April 08, 2020 12:34 PM

To: Corbin, Mark <Corbin.Mark@epa.gov>

Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Sankula, Sujatha

<Sankula.Sujatha@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>;

Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>

Subject: Re: Bayer VGX Bibliography - Dicamba

Just to follow up, the adjuvant data is outside the scope. Some of this may be in response to the 6(a)(2) letter, I'm not sure (I'm still without a computer today). You probably want to take a look and see.

Dan

Sent from my iPhone

On Apr 8, 2020, at 12:30 PM, Kenny, Daniel <Kenny.Dan@epa.gov> wrote:

Hi Mark. It may be easier to talk instead, but we agree with you that this data is outside the scope of the decision that we are charged to revisit for dicamba. I've spoken with the RD DD's as well, and we feel that the use of the adjuvant is already approved, so no additional work is needed there. If they would like to reformulate the product with the adjuvant already in, that amounts to a new action that would be subject to its own timeline, like the premixed. I think it's OK to separate the adjuvant data out of what we need to do right now.

I'm happy to talk more about it if you'd like to discuss.

Thanks,
Dan

Sent from my iPhone

On Apr 8, 2020, at 12:13 PM, Corbin, Mark <Corbin.Mark@epa.gov> wrote:

Meg and Dan

Can you help me understand the request. I don't know what this means in the context of the registrations we are currently working on. So my first question is what's the relevance to this data to the current actions?

Also, we don't have an action in house for the VGX correct? I know they said they would submit this as a new product registration that has not even been submitted yet. And since this is already allowed as a tank mix partner not sure what we would do with the data.

My concern is the same as what we discussed before. This is a massive amount of data whose relevance to our current actions is unclear to me. To add this to the review mix at this late of a date would be very challenging in my opinion

mark

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, April 08, 2020 10:52 AM
To: Corbin, Mark <Corbin.Mark@epa.gov>
Cc: Farruggia, Frank <Farruggia.Frank@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Sankula, Sujatha <Sankula.Sujatha@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FW: Bayer VGX Bibliography - Dicamba

Hello Mark:

Following up from the dicamba adjuvant call Bayer had with our office last week, Bayer has provided the attached bibliography of VaporGrip X (MON 51817) spray drift and volatility data.

As noted on the cover page of this document, Bayer/Monsanto say that this is a list of "study data that has been or can be made available to EFED for evaluating the impact on spray drift and volatility characteristics of dicamba when additional VaporGrip is added as a tank mix buffering agent (VaporGrip X)." They have provided MRID numbers for data already submitted to the Agency.

Please take a look at this list and let me know if there is anything if we want to ask Bayer for at this time. If so, Bayer requests that we convey to them if there is a priority shortlist of data that Bayer should prioritize getting to EPA first. Bayer may also try to bring up this list during tomorrow's 6a2 call at 11am, so keep that in mind too.

Thanks,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, April 06, 2020 7:21 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hello Meg,

Attached is a copy of the bibliography listing the studies that were mentioned in the presentation last week.

Please, let me know if you have questions.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, April 1, 2020 1:11 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you, George:
My office looks forward to seeing the bibliography soon.

Best regards,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch

hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Wednesday, April 01, 2020 11:18 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Below is the list of Bayer personnel who participated on the Monday call.

We are compiling the list of studies/reports (Bibliography) that were discussed during the call. The target is to have it completed by end of the week.

Please, let me know if you have questions.

Name	Email	Phone Number
Dan Dyer	dan.dyer@bayer.com	636 737 4696
George Sabbagh	george.sabbagh@bayer.com	913 231 6291
Lance Schuler	lance.schuler@bayer.com	636 737 9344
Naresh Pai	naresh.pai@bayer.com	636 737 9343
Ryan Rector	ryan.rector@bayer.com	314 694 7525
Steven Callen	steven.callen@bayer.com	314 302 9391
Thomas Orr	thomas.orr@bayer.com	636 737 9347
Tilghman Hall	tilghman.hall@bayer.com	636 737 4707
Timothy Fredricks	timothy.fredricks@bayer.com	636 737 9307
Tina Bhakta	tina.bhakta@bayer.com	314 369 5897

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

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Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745

Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:21 AM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Thank you, George:

I was able to successfully open the attached slide deck and have forwarded both the slides and Skype invitation to the relevant EPA participants for our 10am call today.

Talk to you soon,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Attached is a copy of the slides that will be covered on our call. Additional notes on the content of the slides are provided.

I sent an invite on Friday for our call. The invite includes the link to the Skype call (video and audio). You can forward the invite to your colleagues who will be attending. The link is also provided below. I will get on the call 10 minutes early (9:50 a.m.). If you can join few minutes early, we can test the connection.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, March 27, 2020 4:12 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hello George:
I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, March 24, 2020 7:37 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745

Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

[Join Skype Meeting](#)

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291

E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:
Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

Crop Science, a Division of Bayer

801 Pennsylvania Avenue, NW

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E-mail: george.sabbagh@bayer.com

Web: <http://www.bayercropscience.com>

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.....

Message

From: Kaul, Monisha [kaul.monisha@epa.gov]
Sent: 7/14/2020 6:50:12 PM
To: Tindall, Kelly [tindall.kelly@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Wagman, Michael [Wagman.Michael@epa.gov]; Metzger, Michael [Metzger.Michael@epa.gov]; Farruggia, Frank [Farruggia.Frank@epa.gov]; Wyatt, TJ [Wyatt.Tj@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Garrison, Scott [Garrison.Scott@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Nguyen, Khue [Nguyen.Khue@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]; O'Neill, Sandra [ONeill.Sandra@epa.gov]; Orlowski, John [Orlowski.John@epa.gov]; +1 (703) 475-8579 [+1 (703) 475-8579@epa.gov]; Overbey, Dian [Overbey.Dian@epa.gov]; Kells, Bradley [kells.bradley@epa.gov]; Appleyard, Moana [Appleyard.Moana@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Knorr, Michele [knorr.michele@epa.gov]; Chism, William [Chism.Bill@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
Subject: Dicamba Weekly Team Meeting

Wyatt, TJ 1:18 PM:

What would be a typical timeline for a registration action like this?

Wyatt, TJ 1:22 PM:

Have/Will the registrants submit a description of the benefits of the use of dicamba as part of this action?

Nesci, Kimberly 1:27 PM:

BEAD's reviewed the list closely and we have thoughts on what's possible

Tindall, Kelly 1:33 PM:

note: there are states saying that incidents are coming AFTER (2-3 weeks after) cutoff dates. People still aren't complying. Maybe the incidents will decrease, but there will likely be some regardless of a cutoff dates.

Wyatt, TJ 1:34 PM:

:D

Kaul, Monisha 1:38 PM:

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Maybe an outline for the briefing?

Matuszko, Jan 2:05 PM:

I think that would be helpful

Meadows, Sarah 2:05 PM:

Definitely

Echeverria, Marietta 2:07 PM:

does timeline work for BEAD?

Echeverria, Marietta 2:07 PM:

@kn?

Nesci, Kimberly 2:08 PM:

We'd prefer to get the outline by Thurs am, if possible

Knorr, Michele 2:09 PM:

Great meeting!

Nguyen, Khue 2:09 PM:

hey meg, is there anything needed from PRD for briefing?

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Nguyen, Khue 2:22 PM:

ok thanks, we will wait for your outline and populate as needed.

Hathaway, Margaret 2:24 PM:

Michelle - Re. a place to put draft documents, I need to check with management because the Teams Site was originally created specifically to address stakeholder questions re. the court decision, and other parts of the dicamba work were still to be managed via the H Drive. There was talk at least at the time of keeping the Teams Site as it's own thing to make a potential audit re. response to the court decision easy to respond to. If you send me an email with the type/theme of documents you are thinking of, I can work with management to figure where we should put everything.

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Hathaway, Margaret 2:26 PM:

Thanks Michele and Marietta. Okay, I will create a new channel on the Dicamba Teams Site. Does "OGC Document Development" work?

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How about 2020 Decision documents? I prefer this not to be OGC as we are not the decision makers.

Hathaway, Margaret 2:30 PM:

Michele - Done. A new channel is born!

Hathaway, Margaret 2:32 PM:

Bill: Could you please elaborate on your idea of having the United Soybean Board, Cotton Council, and Ag Retailors Association support us with noncompliance management? Would they write advisory letters to their stakeholders about the seriousness of following labels?

Hathaway, Margaret 2:36 PM:

TJ: No, I do not believe the registrants sent in new benefits info for their new OTT submissions. Emily may have seen something I haven't, but as Dan mentioned the strategy was basically to quickly send EPA a "placeholder" application for administrative purposes.

Message

From: Kaul, Monisha [kaul.monisha@epa.gov]
Sent: 7/14/2020 6:35:25 PM
To: Tindall, Kelly [tindall.kelly@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Wagman, Michael [Wagman.Michael@epa.gov]; Metzger, Michael [Metzger.Michael@epa.gov]; Farruggia, Frank [Farruggia.Frank@epa.gov]; Wyatt, TJ [Wyatt.Tj@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Garrison, Scott [Garrison.Scott@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Nguyen, Khue [Nguyen.Khue@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]; O'Neill, Sandra [ONeill.Sandra@epa.gov]; Orlowski, John [Orlowski.John@epa.gov]; +1 (703) 475-8579 [+1 (703) 475-8579@epa.gov]; Overbey, Dian [Overbey.Dian@epa.gov]; Kells, Bradley [kells.bradley@epa.gov]; Appleyard, Moana [Appleyard.Moana@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Knorr, Michele [knorr.michele@epa.gov]; Chism, William [Chism.Bill@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
Subject: Dicamba Weekly Team Meeting

Wyatt, TJ 1:18 PM:

What would be a typical timeline for a registration action like this?

Wyatt, TJ 1:22 PM:

Have/Will the registrants submit a description of the benefits of the use of dicamba as part of this action?

Nesci, Kimberly 1:27 PM:

BEAD's reviewed the list closely and we have thoughts on what's possible

Tindall, Kelly 1:33 PM:

note: there are states saying that incidents are coming AFTER (2-3 weeks after) cutoff dates. People still aren't complying. Maybe the incidents will decrease, but there will likely be some regardless of a cutoff dates.

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Message

From: Nesci, Kimberly [Nesci.Kimberly@epa.gov]
Sent: 8/17/2020 9:27:55 PM
To: Tindall, Kelly [tindall.kelly@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]
Subject: FW: Impact of Irrigation

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, August 17, 2020 5:09 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>
Subject: RE: Impact of Irrigation

The University of GA study was submitted with the other academic VGX data. EFED initially thought both trials had watered in the dicamba, but upon receiving this email realized the VGX did not. We have not yet done an analysis of this data to see if watering in has any promise compared to other studies. At this point if they want to do another study watering in the dicamba they can, but as Rick indicated below, we won't be able to use it for this assessment.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, August 17, 2020 2:42 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Impact of Irrigation

Hello Mike:

I believe Rick is describing a University of Georgia trial that's cited by Bayer in the attached document "Summary of Studies Conducted with MON 51817 in XtendiMax® With VaporGrip® Technology Tank Mixtures."

A summary of this U of GA research begins on page 25 of the attachment and states that:

"Dr. Stanley Culpepper at the University of Georgia tested dicamba volatility on two side-by-side plots of 8 acres each. The first plot was applied with the standard tank mix, while the second plot had the additional VaporGrip in the tank mix. Following the applications, the first plot was irrigated two hours after application using an overhead pivot (approximately 0.5"). Irrigation of the first plot lasted for about 7 hours; the second plot received no irrigation."

I defer to EFED on whether or not another study of this type would be useful. However, it's my understanding that EFED hasn't had time to finish looking at this first one yet.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Goodis, Michael <Goodis.Michael@epa.gov>

Sent: Monday, August 17, 2020 1:37 PM

To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>

Cc: Messina, Edward <Messina.Edward@epa.gov>

Subject: FW: Impact of Irrigation

Please see the ask below – was this information submitted and would we want them to run another study considering the timing?

Michael L. Goodis, P.E.

Acting Deputy Director for Programs

Office of Pesticide Programs

Office of Chemical Safety and Pollution Prevention

U.S. Environmental Protection Agency

Washington, D.C.

703-308-8157

From: Keigwin, Richard <Keigwin.Richard@epa.gov>

Sent: Monday, August 17, 2020 12:05 PM

To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Subject: Impact of Irrigation

The University of GA is doing some work on the potential impact that irrigation might have on reducing the volatility of over-the-top herbicides. They apparently did some work last year that should have been submitted with the package being considered for the upcoming decision. Do you know if it came in? They are interested in doing another study, but only if the team thinks it would be helpful (knowing that the second year of data would likely not be available for the upcoming decision).

Rick Keigwin

Acting Deputy Assistant Administrator for Management

Office of Chemical Safety and Pollution Prevention

US Environmental Protection Agency

Phone: 202-564-2910

Mobile: 571-438-1204

Email: keigwin.richard@epa.gov

Message

From: Tindall, Kelly [tindall.kelly@epa.gov]
Sent: 8/17/2020 6:48:59 PM
To: Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]
Subject: RE: Impact of Irrigation

Currently, it is not – but it is a working draft, so we could add it in at anytime.

Kelly

Kelly Tindall, Senior Biologist
Biological Analysis Branch
Biological and Economic Analysis Division
Office of Pesticide Programs
US Environmental Protection Agency
703-308-8188

ALL CONTENTS AND ATTACHMENTS TO THIS EMAIL CORRESPONDENCE ARE TO BE CONSIDERED DRAFT/INTERNAL/DELIBERATIVE ONLY, NOT TO BE SHARED UNLESS SPECIFICALLY AND EXPLICITLY STATED

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To: Tindall, Kelly <tindall.kelly@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>
Subject: FW: Impact of Irrigation

FYI – more. I agree we should consider as an option if, following review, EFED determines it to be helpful. Is this on your list of ideas? Thx!

I'll be sharing with the team a strategy for meetings shortly, and I'm sure we'll discuss it tomorrow during the team meeting. Thx!

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To: Tindall, Kelly [tindall.kelly@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]
Subject: FW: Impact of Irrigation
Attachments: MRID 51134101_VGX_EPA_Summary_20200501.pdf

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Message

From: Nesci, Kimberly [Nesci.Kimberly@epa.gov]
Sent: 10/1/2020 5:30:14 PM
To: Anderson, Neil [Anderson.Neil@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Kiely, Timothy [Kiely.Timothy@epa.gov]
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter
Attachments: 20.09.30 DICAMBA REGISTRATION LETTER.pdf; 09 17 2020 - Dicamba - Chairman Peterson RM Conaway.pdf

For sharing with the team. Thanks.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Thursday, October 1, 2020 1:25 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
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FYI

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Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Sent: Thursday, October 01, 2020 11:37 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: Rep. Guest and 30+ members Dicamba Registration Letter

Heads up on a new Dicamba letter. We'll enter it into CMS and control to OCSPP. Similar to the 9/17 House Ag letter. Thanks,
Sven

Sven-Erik Kaiser
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-566-2753
kaiser.sven-erik@epa.gov

From: White, Bubba <Joseph.WhiteIII@mail.house.gov>
Sent: Wednesday, September 30, 2020 3:49 PM
To: Washam, Todd <Washam.Todd@epa.gov>
Cc: Kolb, John (JohnMark) <kolb.john@epa.gov>; Solomon, Maya <Maya.Solomon@mail.house.gov>
Subject: Dicamba Registration Letter

Todd,

Please see the attached bipartisan letter to Administrator Wheeler from 32 members of Congress encouraging the issuance of new registrations for four dicamba products: Engenia®, Xtendimax®, FeXapan®, and Tavium®. We also support issuance of these registrations quickly and in simple, clear, and understandable language so that producers can make herbicide and seed purchasing decisions ahead of the 2021 crop year.

Please let us know if you have any questions. A hard copy has been put in the mail.

Best,
Bubba



Bubba White

Legislative Assistant

Rep. Michael Guest (MS-03)

202.226.8289 – Office

202.981-3106 – Cell

230 Cannon HOB

Washington, DC 20515



Message

From: Nesci, Kimberly [Nesci.Kimberly@epa.gov]
Sent: 9/3/2020 2:38:27 PM
To: Kaul, Monisha [Kaul.Monisha@epa.gov]
Subject: FW: Bayer Proposed Draft XtendiMax label
Attachments: Cover letter_264-RERN_XtendiMax-ML_20200902.pdf; MASTER LABEL_XtendiMax_264-RERN.DOCX

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Thursday, September 03, 2020 10:18 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: FW: Bayer Proposed Draft XtendiMax label

Assuming HB got this?

From: Thomas Marvin <thomas.marvin@bayer.com>
Sent: Thursday, September 3, 2020 9:03 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: Bayer Proposed Draft XtendiMax label

Ed, Marietta: Just sending a courtesy copy of the submission we made yesterday.

Tom

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 7/7/2020 3:50:36 PM
To: Kaul, Monisha [Kaul.Monisha@epa.gov]
Subject: RE: Engenia herbicide registration submission
Attachments: 8570-1_Application.264-XXX_20200702.pdf; Cover letter_M1768_20200702.pdf

Yes, Bayer has one too for Xtendimax but they have only sent me the cover letter and application form so far. I didn't think they were much use to anyone so I was holding off for the rest of the documents before sending those. I have attached them, just in case you want to look at them.

I'm hoping to get them today and I'll make sure I forward them as soon as I do.

Thanks!

From: Kaul, Monisha <Kaul.Monisha@epa.gov>
Sent: Tuesday, July 07, 2020 11:45 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Engenia herbicide registration submission

Emily – Thanks for sending these. I see the Engenia submission – but looks like it is for one product. Are there more files for the second product or maybe I am missing something? Thx! - Monisha

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Tuesday, July 07, 2020 11:05 AM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>
Cc: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Engenia herbicide registration submission

Good morning,

The two dicamba products were just submitted last Thursday so the initial in-processing hasn't happened yet. However, BASF has sent courtesy copies of the submission documents (attached). I have reached out to Bayer for copies of their documents and will forward those when I get them.

These documents aren't in OPPIN or documentum yet. New packages have been taking a long time (~ two months) to clear the front end screen so it will be awhile before we can send beans.

Thank you,
Emily

From: Jeffrey H Birk <jeffrey.birk@basf.com>
Sent: Tuesday, July 07, 2020 9:51 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Engenia herbicide registration submission

Emily,

Here are the submission documents. Please let me know if you need anything more.

Thanks,

Jeff

JEFFREY BIRK

Product Registration Manager

Phone: +1 919 547-2622, Mobile: +1-919-225-9220, Fax: +1 919 547-2850, Email: jeffrey.birk@basf.com

Postal Address: BASF Corporation, , 26 Davis Drive, 27709-3528 Research Triangle Park, United States



We create chemistry

BASF Corporation

Message

From: Chism, William [Chism.Bill@epa.gov]
Sent: 10/18/2020 4:13:08 PM
To: Kaul, Monisha [Kaul.Monisha@epa.gov]; Tindall, Kelly [tindall.kelly@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Orlowski, John [Orlowski.John@epa.gov]
Subject: FW: Dicamba Registration Notices - HRM - Edits from Bill
Attachments: 000524-00617-20181101 (1).pdf; 000524-00617-20181101 (1).docx; 000524-00617-20181101 Bayer Label bc 10-2020.docx

Hi Folks

I had a few minor additions and edits that I listed on the first page of the "... bc 10-2020" document. Monisha because we have so many things going on let me know if you want others to edit the label or if we can send to Emily Schmidt sometime on Monday.

Bill

Bill Chism
Senior Biologist
Biological and Economic Analysis Division
U.S. EPA/Office of Pesticide Programs
(571) 242-0254 Cell phone while on telework
chism.bill@epa.gov

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Thursday, October 15, 2020 10:27 AM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>
Cc: Becker, Jonathan <Becker.Jonathan@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Kells, Bradley <kells.bradley@epa.gov>; Orlowski, John <Orlowski.John@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Wyatt, TJ <Wyatt.Tj@epa.gov>
Subject: Dicamba Registration Notices - HRM

Hi Monisha,

I'm working on writing the registration notices for new dicamba products and Dan asked me to reach out to BEAD for some help on updating the HRM section. Could someone help me update it with changes BEAD would like for us to make? I have attached a copy of the 2018 xtendimax registration notice (including appendices) for convenience.

Let me know if you have any questions.

Thanks!
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Kaul, Monisha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4F37168E6E9B425BA4E1F349D90C4275-MONISHA KAUL]
Sent: 9/16/2020 5:41:43 PM
To: Orlowski, John [Orlowski.John@epa.gov]
Subject: FW: Bayer CropScience White Paper Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)
Attachments: Cover letter_XtendiMax_264-RERN_20200724.pdf; Untitled attachment 00076.html; 8570-1_Application.264-RERN_20200724.pdf; Untitled attachment 00079.html; 51208201_Summary-Studies-XtendiMax_264-RERN_20200724.pdf; Untitled attachment 00082.html

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Sent: Tuesday, July 28, 2020 6:14 PM
To: Tindall, Kelly <tindall.kelly@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Wyatt, TJ <Wyatt.Tj@epa.gov>; Kells, Bradley <kells.bradley@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>
Cc: Anderson, Neil <Anderson.Neil@epa.gov>
Subject: FW: Bayer CropScience White Paper Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, July 28, 2020 6:12 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Cc: Corbin, Mark <Corbin.Mark@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Subject: FW: Bayer CropScience White Paper Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

FYI – This contains a summary of the white paper. Feel free to share.

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, July 28, 2020 3:54 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Fwd: Bayer CropScience White Paper Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

FYI.

George J. Sabbagh
Regulatory Affairs
Bayer CropScience
913.231.6291

Begin forwarded message:

From: Steven Callen <steven.callen@bayer.com>

Date: July 27, 2020 at 12:32:40 PM EDT

Subject: Bayer CropScience White Paper Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Good morning, Emily,

Bayer Crop Science (EPA Company Number 264) is providing here a courtesy copy of the 8570-1 form, cover letter, and white paper that was submitted today through the electronic portal along with other documents in support of the 2020 registration decision for XtendiMax® With VaporGrip® Technology (M1768 Herbicide), EPA Reg. No. 264-RERN.

Please reach out to me or George Sabbagh if you have any questions or concerns.

Have a wonderful vacation!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Regulatory Affairs Manager

////////////////

Bayer U.S. – Crop Science
Monsanto Company
Global Chemistry & Seed Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
Fax: +1 (636) 737-5390
Cell: +1 (314) 302-9391
E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

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/// Follow me on:

/// [Twitter](#) /// [LinkedIn](#)

Message

From: Kaul, Monisha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4F37168E6E9B425BA4E1F349D90C4275-MONISHA KAUL]
Sent: 7/7/2020 4:18:25 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Engenia herbicide registration submission

Thanks!

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Tuesday, July 07, 2020 11:51 AM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>
Subject: RE: Engenia herbicide registration submission

Yes, Bayer has one too for Xtendimax but they have only sent me the cover letter and application form so far. I didn't think they were much use to anyone so I was holding off for the rest of the documents before sending those. I have attached them, just in case you want to look at them.

I'm hoping to get them today and I'll make sure I forward them as soon as I do.

Thanks!

From: Kaul, Monisha <Kaul.Monisha@epa.gov>
Sent: Tuesday, July 07, 2020 11:45 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Engenia herbicide registration submission

Emily – Thanks for sending these. I see the Engenia submission – but looks like it is for one product. Are there more files for the second product or maybe I am missing something? Thx! - Monisha

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Tuesday, July 07, 2020 11:05 AM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>
Cc: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Engenia herbicide registration submission

Good morning,

The two dicamba products were just submitted last Thursday so the initial in-processing hasn't happened yet. However, BASF has sent courtesy copies of the submission documents (attached). I have reached out to Bayer for copies of their documents and will forward those when I get them.

These documents aren't in OPPIN or documentum yet. New packages have been taking a long time (~ two months) to clear the front end screen so it will be awhile before we can send beans.

Thank you,
Emily

From: Jeffrey H Birk <jeffrey.birk@basf.com>
Sent: Tuesday, July 07, 2020 9:51 AM

To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Engenia herbicide registration submission

Emily,

Here are the submission documents. Please let me know if you need anything more.

Thanks,

Jeff

JEFFREY BIRK
Product Registration Manager

Phone: +1 919 547-2622, Mobile: +1-919-225-9220, Fax: +1 919 547-2850, Email: jeffrey.birk@basf.com
Postal Address: BASF Corporation, , 26 Davis Drive, 27709-3528 Research Triangle Park, United States



BASF Corporation

Message

From: Kaul, Monisha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4F37168E6E9B425BA4E1F349D90C4275-MONISHA KAUL]
Sent: 10/16/2020 4:55:04 PM
To: Nesci, Kimberly [Nesci.Kimberly@epa.gov]
CC: Anderson, Neil [Anderson.Neil@epa.gov]
Subject: RE: Dicamba labels for review

I already sent to the team. Thx!

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Sent: Friday, October 16, 2020 12:54 PM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>
Cc: Anderson, Neil <Anderson.Neil@epa.gov>
Subject: RE: Dicamba labels for review

OK – let me know if you want me to forward to you without commentary.

From: Kaul, Monisha <Kaul.Monisha@epa.gov>
Sent: Friday, October 16, 2020 12:06 PM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Cc: Anderson, Neil <Anderson.Neil@epa.gov>
Subject: RE: Dicamba labels for review

For RD, we do look at labels as part of our review for new ais/uses. These are coming late – but yes, we should review.

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Sent: Friday, October 16, 2020 11:27 AM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>
Cc: Anderson, Neil <Anderson.Neil@epa.gov>
Subject: FW: Dicamba labels for review

Do we usually review/comment on labels? OK if no – I'm more interested in terms & conditions.

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Friday, October 16, 2020 9:55 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: Dicamba labels for review

Good morning everyone,

Attached are the most recent labels for Tavium, Xtendimax, and Engenia including RD comments. Please add any comments you have with a **dropdead time of 4pm**, so I can review the comments and send it to the companies by COB. Jan and Kimberly, this is primarily for your awareness, so please don't feel pressured to comment; I know you have a lot on your plate today.

Best,

Lydia Crawford PhD

Biologist | Herbicide Branch | Registration Division

U.S. Environmental Protection Agency | Office of Pesticide Programs

(703) 347-0622 | Crawford.Lydia@epa.gov

Message

From: Kaul, Monisha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4F37168E6E9B425BA4E1F349D90C4275-MONISHA KAUL]
Sent: 3/6/2020 4:13:34 PM
To: Collantes, Margarita [Collantes.Margarita@epa.gov]
Subject: FW: Xtendimax (Reg. No. 524-617) Annual Reporting
Attachments: 2018_50493201_Dicamba.COR.Report_RD1844.pdf; 2019_50827601_Updated_Report_Xtendimax_COR_Mar_8_2019.pdf; 2019_Xtendimax_COR Report_2019_Final_Jan1419.pdf; 2020_51017512_MSL0030991.pdf

another

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Tuesday, February 18, 2020 5:44 PM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: Xtendimax (Reg. No. 524-617) Annual Reporting

Hello. I have attached the 3 annual reports we received from Bayer. The 2019 report came in two separate files.

Sarah True Meadows, PhD
US Environmental Protection Agency
Office of Pesticide Programs
Registration Division – Herbicide Branch
(703) 347-0505
meadows.sarah@epa.gov

Message

From: Kaul, Monisha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4F37168E6E9B425BA4E1F349D90C4275-MONISHA KAUL]
Sent: 3/31/2020 2:09:23 PM
To: Nesci, Kimberly [Nesci.Kimberly@epa.gov]
Subject: RE: Slides for Dicamba Bayer Teleconference Today at 10am

I think that would be good. Thanks.

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Sent: Tuesday, March 31, 2020 9:37 AM
To: Anderson, Neil <Anderson.Neil@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

FYI – I think we should sit in on these types of meetings, just to keep informed. Thanks.

From: Nesci, Kimberly
Sent: Tuesday, March 31, 2020 9:37 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

Hey Mike,

Can you try to make sure Monisha gets invited to these types of meetings? Even if the topic isn't specifically related to the BEAD work, which seems to be the case below, it's still helpful for the team to know what's going on. We can send a staff person if we don't think it warrants BC time.

Thank you,
Kimberly

Kimberly Nesci, Acting Director
Biological and Economic Analysis Division (BEAD)
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
703-308-8059

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Tuesday, March 31, 2020 8:48 AM
To: Anderson, Brian <Anderson.Brian@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

Here is the presentation on the additive.

From: Matuszko, Jan
Sent: Monday, March 30, 2020 9:54 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:19 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: Slides for Dicamba Bayer Teleconference Today at 10am

Good morning, all:
Here are the slides for our dicamba teleconference with Bayer, coming up at 10am.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Attached is a copy of the slides that will be covered on our call. Additional notes on the content of the slides are provided.

I sent an invite on Friday for our call. The invite includes the link to the Skype call (video and audio). You can forward the invite to your colleagues who will be attending. The link is also provided below. I will get on the call 10 minutes early (9:50 a.m.). If you can join few minutes early, we can test the connection.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, March 27, 2020 4:12 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hello George:

I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, March 24, 2020 7:37 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

[Join Skype Meeting](#)

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

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The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

Message

From: Grable, Melissa [Grable.Melissa@epa.gov]
Sent: 6/23/2020 4:32:25 PM
To: Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Edwards, John (Holt) [edwards.john@epa.gov]
CC: Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]
Subject: RE: Sen. Cardin Inquiry on Dicamba

Looping in OPP comms.

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Sent: Tuesday, June 23, 2020 11:17 AM
To: Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>
Subject: FW: Sen. Cardin Inquiry on Dicamba

Dicamba team – please see the request below from Sen. Cardin asking where to direct Maryland producer inquiries on Dicamba. Please let me know our response and if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Kaiser, Sven-Erik
Sent: Tuesday, June 23, 2020 11:13 AM
To: 'Frede, Shannon (Cardin)' <Shannon_Frede@cardin.senate.gov>
Subject: Sen. Cardin Inquiry on Dicamba

Shannon – thanks for the inquiry on Dicamba. I'm checking on where we're directing producer inquiries and will get back to you shortly. Please let me know if any additional questions. Best,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Frede, Shannon (Cardin) <Shannon_Frede@cardin.senate.gov>
Sent: Monday, June 22, 2020 5:53 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Hi Sven, hope you're well. Where should I direct inquiries from Maryland producers regarding the cancellation order?
Thanks!

Take care,

Shannon Frede
Environmental Policy Counsel
Office of Senator Ben Cardin (MD)
Direct Line: (202) 440-2931

Begin forwarded message:

From: "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>
Date: June 8, 2020 at 7:46:35 PM EDT
Subject: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations



EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) — Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's [cancellation order](#) outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

"At the height of the growing season, the Court's decision has threatened the livelihood of our nation's farmers and the global food supply," **said EPA Administrator Andrew Wheeler**. "Today's cancellation and existing stocks order is consistent with EPA's standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks."

EPA's order will mitigate some of the devastating economic consequences of the Court's decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA's order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

1. Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
2. Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product's previously-approved label, and may not continue after July 31, 2020.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA's pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America's food supply.

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: ALFRED STANLEY Culpepper [stanley@uga.edu]
Sent: 6/9/2020 1:08:51 AM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
CC: Laura Perry Johnson [lpj4h@uga.edu]; Tommy Gray [Thomas.Gray@agr.georgia.gov]; GWB@agr.georgia.gov
Subject: EPA helps our growers
Attachments: Dicamba.docx

Rick, I can not thank you and the rest of the EPA enough for working so diligently and tirelessly in support of our family farms. We certainly wish our growers were able to purchase more in-crop dicamba products at this time but we understand that the EPA is doing everything possible to support agriculture following the law and making decisions using sound science. Attached is what I shared with UGA Extension, Industry and our consultants tonight after your press release which allowed our growers much more flexibility in using Engenia, XtendiMax, and Fexapan.

In regards to re-registration of these in-crop dicamba products, please contact us if there is any way we can help. Based on our surveys, these systems are critical to long-term sustainability of cotton and soybean in Georgia. Obviously, we have proven that Georgia applicators can use these tools with care for the environment, our neighbors, consumers, and applicators.

Regards,
Stanley

Message

From: Perrin, Rebecca [Perrin.Rebecca@epa.gov]
Sent: 6/5/2020 3:47:47 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
Subject: FW: News Release: Dicamba registrations banned

Sent this to Carrie already.

Rebecca Perrin
Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA
1595 Wynkoop Street (8ORA-IO) | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

From: Perrin, Rebecca <Perrin.Rebecca@epa.gov>
Sent: Friday, June 5, 2020 8:52 AM
To: Smith, Mark A. <Smith.Marka@epa.gov>; Sopkin, Gregory <sopkin.gregory@epa.gov>; Sethuraman, Jag <Sethuraman.Jag@epa.gov>
Subject: FW: News Release: Dicamba registrations banned

ND sent out two press releases. This is the other one.

Rebecca Perrin
Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA
1595 Wynkoop Street (8ORA-IO) | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

From: Delzer, Eric T. <delzer@nd.gov>
Sent: Thursday, June 4, 2020 4:20 PM
To: Perrin, Rebecca <Perrin.Rebecca@epa.gov>
Subject: FW: News Release: Dicamba registrations banned

Eric Delzer
Pesticide & Fertilizer Program Director
ND Department of Agriculture
701-328-1508
www.nd.gov/ndda



From: Mielke, Michelle M. <mmielke@nd.gov>
Sent: Thursday, June 4, 2020 12:27 PM
Subject: News Release: Dicamba registrations banned

NORTH DAKOTA DEPARTMENT OF AGRICULTURE

June 4, 2020
For immediate release

Dicamba registrations banned

BISMARCK – The United States Court of Appeals for the Ninth Circuit issued a ruling yesterday that immediately banned the registrations of Xtendimax, FeXapan and Engenia, products used in over-the-top applications on Dicamba-tolerant soybeans and cotton. This ruling was based on a determination that the continued registration of the products violated the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). It immediately bans the sale and use of these products nationwide.

“This ruling could not have come at a worse time for North Dakota farmers and dealers,” Agriculture Commissioner Doug Goehring said. “We are monitoring the developments surrounding this unsettling decision closely and expect an immediate appeal of the ruling along with a request for an emergency stay, which if granted would allow the continued use of the products while the appeal is being heard in court. Sadly, the continued use of these Dicamba products for the 2020 season now depends on the outcome of the request for an emergency stay.”

The decision to grant a stay could take weeks and would only allow a narrow window for application if at all. Producers should plan accordingly in case the emergency stay is not granted.

The court’s opinion may be found at <https://usrtk.org/wp-content/uploads/2020/06/Court-decision-on-dicamba.pdf>.

-30-


MEDIA: For more information, please contact Michelle Mielke at (701) 328-2233 or mmielke@nd.gov.



Michelle Mielke
Public Information Specialist
ND Department of Agriculture
P: 701.328.2233
www.nd.gov/ndda

Disclaimer: This email and any attachments may be subject to disclosure to a third party upon request under North Dakota open records laws.

From: Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]
Sent: 6/8/2020 11:46:26 PM
Subject: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations



EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) — Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's [cancellation order](#) outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

"At the height of the growing season, the Court's decision has threatened the livelihood of our nation's farmers and the global food supply," **said EPA Administrator Andrew Wheeler**. "Today's cancellation and existing stocks order is consistent with EPA's standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks."

EPA's order will mitigate some of the devastating economic consequences of the Court's decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA's order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

1. Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
2. Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product's previously-approved label, and may not continue after July 31, 2020.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA's pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America's food supply.

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Perrin, Rebecca [Perrin.Rebecca@epa.gov]
Sent: 6/5/2020 5:52:57 PM
To: Sopkin, Gregory [sopkin.gregory@epa.gov]; Sethuraman, Jag [Sethuraman.Jag@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]; Smith, Mark A. [Smith.Marka@epa.gov]; Saldenha, Jasmine [Saldenha.Jasmine@epa.gov]; Cobb, David [cobb.david@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Meadows, Carrie Vicenta [Meadows.CarrieVicenta@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]; Striegel, Megan [Striegel.Megan@epa.gov]
Subject: FW: News Release: Dicamba available for use under North Dakota state registration

FYI... This press release is from today.

Rebecca Perrin
Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA
1595 Wynkoop Street (8ORA-IO) | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

From: Mielke, Michelle M. <mmielke@nd.gov>
Sent: Friday, June 5, 2020 12:16 PM
Subject: News Release: Dicamba available for use under North Dakota state registration

NORTH DAKOTA DEPARTMENT OF AGRICULTURE

June 5, 2020
For immediate release

Dicamba available for use under North Dakota state registration

BISMARCK – The North Dakota Department of Agriculture (NDDA) is moving forward with their 24c Special Local Needs (SLN) label for Xtendimax, FeXapan and Engenia, products used in over-the-top applications on Dicamba-tolerant soybeans.

“The recent unprecedented court decision to vacate the registrations of Xtendimax, FeXapan and Engenia has struck a crushing blow to farmers across the country. While the court’s decision affected the federal registration of the products, it made no mention of state registrations. We have not received formal notification revoking these three products,” Agriculture Commissioner Doug Goehring said. “Until directed otherwise, the department is standing by our state registrations of these products and recognizing them as legal for sale and use in North Dakota. We’re going to take whatever actions we can as a state to give our farmers an opportunity to manage their fields and utilize the product that is out there.”

The North Dakota 24c SLN allows applications of Dicamba on soybeans through June 30 or beginning bloom (R1 growth phase), whichever comes first.

Applicators should monitor developments very closely as the registration status of the products is subject to change.

-30-

MEDIA: For more information, please contact Michelle Mielke at (701) 328-2233 or mmielke@nd.gov.



Michelle Mielke

Public Information Specialist

ND Department of Agriculture

P: 701.328.2233

www.nd.gov/ndda

Disclaimer: This email and any attachments may be subject to disclosure to a third party upon request under North Dakota open records laws.

Message

From: Laura Perry Johnson [lpj4h@uga.edu]
Sent: 6/9/2020 1:02:39 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
Subject: RE: EPA helps our growers

I have been down on the farm in South Georgia for about 3 months, so that has been great. Every day I am right in the middle of agriculture. You stay safe in DC!!

Laura Perry Johnson, PhD
Associate Dean for Extension
111 Conner Hall, University of Georgia
Athens, GA 30602
lpj4h@uga.edu
706-542-3824

From: Keigwin, Richard [mailto:Keigwin.Richard@epa.gov]
Sent: Tuesday, June 9, 2020 8:20 AM
To: Laura Perry Johnson <lpj4h@uga.edu>
Subject: RE: EPA helps our growers

[EXTERNAL SENDER - PROCEED CAUTIOUSLY]

Thanks for your note. I hope you and your family are healthy and safe!

From: Laura Perry Johnson <lpj4h@uga.edu>
Sent: Tuesday, June 09, 2020 7:44 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: FW: EPA helps our growers

Rick - Thank you for all of your hard work and help on behalf of our ag industry. I know this has been a hard week for you! We so appreciate your partnership!

Laura Perry Johnson, PhD
Associate Dean for Extension
111 Conner Hall, University of Georgia
Athens, GA 30602
lpj4h@uga.edu
706-542-3824

From: ALFRED STANLEY Culpepper
Sent: Monday, June 8, 2020 9:09 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Laura Perry Johnson <lpj4h@uga.edu>; Gray, Thomas <Thomas.Gray@agr.georgia.gov>; GWB@agr.georgia.gov
Subject: EPA helps our growers

Rick, I can not thank you and the rest of the EPA enough for working so diligently and tirelessly in support of our family farms. We certainly wish our growers were able to purchase more in-crop dicamba products at this time but we understand that the EPA is doing everything possible to support agriculture following the law and making decisions using sound science. Attached is what I shared with UGA Extension, Industry and our consultants tonight after your press release which allowed our growers much more flexibility in using Engenia, XtendiMax, and Fexapan.

In regards to re-registration of these in-crop dicamba products, please contact us if there is any way we can help. Based on our surveys, these systems are critical to long-term sustainability of cotton and soybean in Georgia. Obviously, we have proven that Georgia applicators can use these tools with care for the environment, our neighbors, consumers, and applicators.

Regards,
Stanley

Message

From: Keigwin, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=151BAABB6A2246A3A312F12A706C0A05-RICHARD P KEIGWIN JR]
Sent: 6/9/2020 12:19:31 PM
To: Laura Perry Johnson [lpj4h@uga.edu]
Subject: RE: EPA helps our growers

Thanks for your note. I hope you and your family are healthy and safe!

From: Laura Perry Johnson <lpj4h@uga.edu>
Sent: Tuesday, June 09, 2020 7:44 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: FW: EPA helps our growers

Rick - Thank you for all of your hard work and help on behalf of our ag industry. I know this has been a hard week for you! We so appreciate your partnership!

Laura Perry Johnson, PhD
Associate Dean for Extension
111 Conner Hall, University of Georgia
Athens, GA 30602
lpj4h@uga.edu
706-542-3824

From: ALFRED STANLEY Culpepper
Sent: Monday, June 8, 2020 9:09 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Laura Perry Johnson <lpj4h@uga.edu>; Gray, Thomas <Thomas.Gray@agr.georgia.gov>; GWB@agr.georgia.gov
Subject: EPA helps our growers

Rick, I can not thank you and the rest of the EPA enough for working so diligently and tirelessly in support of our family farms. We certainly wish our growers were able to purchase more in-crop dicamba products at this time but we understand that the EPA is doing everything possible to support agriculture following the law and making decisions using sound science. Attached is what I shared with UGA Extension, Industry and our consultants tonight after your press release which allowed our growers much more flexibility in using Engenia, XtendiMax, and Fexapan.

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Regards,
Stanley

Message

From: Keigwin, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=151BAABB6A2246A3A312F12A706C0A05-RICHARD P KEIGWIN JR]
Sent: 6/4/2020 9:48:28 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Meadows, Carrie Vicenta [Meadows.CarrieVicenta@epa.gov]
Subject: FW: Cotton Industry Concerns Regarding Dicamba Decision

From: Steve Hensley <shensley@cotton.org>
Sent: Thursday, June 04, 2020 5:45 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: Fw: Cotton Industry Concerns Regarding Dicamba Decision

Rick,

FYI.

Steve.

From: Gary Adams <gadams@cotton.org>
Sent: Thursday, June 4, 2020 5:37 PM
To: Wheeler.Andrew@epa.gov <Wheeler.Andrew@epa.gov>
Cc: Gunasekara.Mandy@epa.gov <Gunasekara.Mandy@epa.gov>; Reece Langley <rlangley@cotton.org>; Steve Hensley <shensley@cotton.org>; Don Parker <dparker@cotton.org>; Bill Norman <bnorman@cotton.org>; Craig Brown <cbrown@cotton.org>
Subject: Cotton Industry Concerns Regarding Dicamba Decision

Dear Administrator Wheeler,

I am sure that you share the cotton industry's concerns regarding the recent decision by the three-judge panel of the 9th Circuit Court to vacate the registration of dicamba formulations Xtendimax, FeXapan, and Engenia herbicides previously approved for over-the-top use on dicamba-tolerant crops. The vacatur comes at the most inopportune time for producers as the majority of cotton acres are planted to dicamba-tolerant varieties. With crops having already emerged along with the emergence of multiple weed species, timely herbicide applications are now in serious jeopardy. Faced with a crisis of what, if any, effective weed-control options they have, producers face additional financial costs and uncertainty in terms of implementing a different weed management plan. Meanwhile, the weeds continue to grow, thus jeopardizing the ability to control the weeds with any product.

To address this unjustified court action, we urge EPA to immediately take action that would allow the use of existing stock of dicamba formulations or other administrative actions that

would provide growers immediate ability to legally implement their weed control actions. Additionally, we would support EPA's appeal of the ruling to the full 9th Circuit panel.

Thank you for your attention to this critical issue. Our staff is available for discussion or questions.

Sincerely,
Gary Adams
President & CEO
National Cotton Council

Message

From: Keigwin, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=151BAABB6A2246A3A312F12A706C0A05-RICHARD P KEIGWIN JR]
Sent: 6/8/2020 2:28:01 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Meadows, Carrie Vicenta [Meadows.CarrieVicenta@epa.gov]; Knorr, Michele [Knorr.Michele@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]
Subject: RE: Delaware Ag Secretary Comments on Dicamba Ruling

Already on the list

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Monday, June 08, 2020 10:12 AM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Subject: RE: Delaware Ag Secretary Comments on Dicamba Ruling

Add to list...

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>
Sent: Monday, June 8, 2020 8:37 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Subject: FW: Delaware Ag Secretary Comments on Dicamba Ruling

From: Shenk, Kelly <shenk.kelly@epa.gov>
Sent: Monday, June 8, 2020 8:36 AM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Striegel, Megan <Striegel.Megan@epa.gov>
Cc: Libertz, Catherine <Libertz.Catherine@epa.gov>; Armstead, John A. <Armstead.John@epa.gov>
Subject: Delaware Ag Secretary Comments on Dicamba Ruling

Hi Carrie and Mega, thank you for keeping us Ag Advisors in the loop on EPA response to dicamba. You asked that we continue to share questions that we receive from our ag community. This morning, Delaware Ag Secretary Scuse called me to with two questions that I wanted to add to the list. See below:

1. How does this impact state registration and continued use of dicamba?
2. Will EPA pursue section 18 approval for use of product?

Kelly Shenk
Agriculture Advisor
EPA Region III Water Division
shenk.kelly@epa.gov
410.267.5728

Mailing Address:
EPA Chesapeake Bay Program Office
410 Severn Avenue, Suite 112
Annapolis, MD 21403

From: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>
Sent: Friday, June 05, 2020 6:46 PM
To: Regional Ag Advisors <Regional_Ag_Advisors@epa.gov>
Subject: FW: EPA Responds to Ninth Circuit Vacatur of Dicamba Registrations

Hello- Sorry for the late Friday email. I wanted to send this to you all as I know you are getting lots of questions. I will continue to keep you posted.

Carrie

Carrie Vicenta Meadows
Agriculture Advisor to the Administrator
U.S. Environmental Protection Agency
Cell: (202) 313-1010
Meadows.CarrieVicenta@epa.gov

From: EPA Press Office <press@epa.gov>
Sent: Friday, June 5, 2020 6:40 PM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>
Subject: EPA Responds to Ninth Circuit Vacatur of Dicamba Registrations

EPA Responds to Ninth Circuit Vacatur of Dicamba Registrations

.....

WASHINGTON (June 5, 2020) – U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler released the following statement on the Ninth Circuit Vacatur of dicamba registrations:

“We are disappointed with the decision. The 2020 growing season is well underway and this creates undue burden for our first conservationists - farmers. EPA has been overwhelmed with letters and calls from farmers nationwide since the Court issued its opinion, and these testimonies cite the devastation of this decision on their crops and the threat to America’s food supply. The Court itself noted in this order that it will place a great hardship on America’s farmers. This ruling implicates millions of acres of crops, millions of dollars already spent by farmers, and the food and fiber Americans across the country rely on to feed their families.”

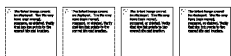
“EPA is assessing all avenues to mitigate the impact of the Court’s decision on farmers.”

Background

The order addresses three registrations containing the active ingredient dicamba (Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617), Engenia - (EPA Reg. No. 7969-345), FeXapan - (EPA Reg. No. 352-913), which is a valuable pest control tool for America’s farmers.

.....

Visit The EPA's Newsroom



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



[Unsubscribe](#)

Message

From: Schmid, Emily [schmid.emily@epa.gov]
Sent: 10/24/2020 3:40:33 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: Conversation with Schmid, Emily

Emily Schmid 4:09 PM:

I'm really worried about getting these updated by the time I have to go.

Emily Schmid 4:10 PM:

And I think someone else will need to take the lead on the labels.

Kenny, Daniel 4:10 PM:

Me too. Maybe if you got one finished I could do the rest? Even that you need time for though.

Emily Schmid 4:11 PM:

Thanks Dan!

Emily Schmid 4:11 PM:

I can get through this one at least.

Kenny, Daniel 4:11 PM:

Whew!

Emily Schmid 4:12 PM:

I won't be able to get to the xtendimax label today though. I already did a review of it initially though.

Kenny, Daniel 4:12 PM:

OK

Emily Schmid 4:12 PM:

I would offer to come back after dinner but I was really looking forward to a beer!

Kenny, Daniel 4:13 PM:

Are you kidding? Save at least some of your birthday! Have two...

Emily Schmid 4:13 PM:

Haha!

Emily Schmid 4:14 PM:

Definitely!

Emily Schmid 11:13 AM:

Is it too late for me to give comments on the xtendimax label? I see a few little things.

Kenny, Daniel 11:13 AM:

I don't think so, but I'd do it sooner rather than later.

Emily Schmid 11:13 AM:

The only major-ish thing is we had BASF take out rights of way but not them.

Emily Schmid 11:13 AM:

I think they should update the expiration dates too

Emily Schmid 11:13 AM:

file symbol vs reg no

Emily Schmid 11:14 AM:

Sorry! I should have found time to get to it!

Kenny, Daniel 11:14 AM:

I thought I put it in there.

Kenny, Daniel 11:14 AM:

Are you sure my copy that I sent to Tom and George didn't have that comment? I thought I added it to all of them.

Emily Schmid 11:15 AM:

Yeah, you have a note under where Lydia changed "such as" to including. Sorry, I didn't see it.

Emily Schmid 11:15 AM:

Nevermind! :)

Kenny, Daniel 11:16 AM:

That's fine. If you notice anything else that seems like a problem, I'd still send it to them.

Emily Schmid 11:22 AM:

Maybe I shouldn't. It's kind of too late haha

Kenny, Daniel 11:22 AM:

If they are minor. Do you see anything major?

Emily Schmid 11:23 AM:

Not yet. I'm on page 10

Emily Schmid 11:23 AM:

Do they know what date to revise the expiration to?

Kenny, Daniel 11:24 AM:

They should, I thought you put that as a comment on some and Lydia made that comment on others. Are you looking at what I sent them, or did they send responses?

Emily Schmid 11:24 AM:

I put it in the other two but I didn't see it in this one. But it's probably in the terms you sent so they'll probably do it.

Kenny, Daniel 11:25 AM:

Let's see what they come back with.

Emily Schmid 11:25 AM:

Yeah, that's nothing worth bugging them with now

Emily Schmid 11:29 AM:

I have a note to make sure it is updated before we stamp. I don't see anything that I can't live with.

Emily Schmid 11:30 AM:

I signed on to this to see how I could be most useful but I don't think you really need me. Do you have a preference of what I do now?

Kenny, Daniel 11:33 AM:

I think you can disappear if you'd like. What I would really need you for is labeling and reg notice issues, but we're not there yet. You can probably do your own weekend thing and wait until they resubmit, whenever that happens.

Emily Schmid 11:33 AM:

They reg notices don't need to be updated?

Emily Schmid 11:34 AM:

Or do you think it's best to just wait until they come back with the terms?

Kenny, Daniel 11:34 AM:

I sent them the terms, but we might as well wait until we get those back. Then we should be able to just drop in what we have into the reg notice form, right?

Emily Schmid 11:35 AM:

I think so. I'll take a look and make sure everything else is okay. Should I watch for when they get the stuff back to us or just wait until Monday?

Kenny, Daniel 11:36 AM:

For the labels, I don't really trust them so it might be good to take a look at those whenever we get them. I think the reg notices can wait until Monday.

Emily Schmid 11:38 AM:

Okay, I'll look at the registration notices and make sure everything else is cleaned up and watch for labels. Otherwise, let me know if there is anything you need but if I don't hear from you, I'll assume I'm off the hook.

Kenny, Daniel 11:39 AM:

Why don't you take off and enjoy yourself for a while? If you don't mind, you can check from time to time to see if anyone has submitted a new label and if it looks like they are playing ball. But again, if you're OK doing that.

Kenny, Daniel 11:39 AM:

I didn't update the actual reg notices, only the terms that I sent. I copied you on that, right?

Emily Schmid 11:39 AM:

Yep, that sounds great. Thanks Dan!

Emily Schmid 11:39 AM:

Yep. Thanks!

Kenny, Daniel 11:39 AM:

You bet. And thanks to you!

Emily Schmid 11:40 AM:

Okay, I'm signing off of this meeting. Good luck!

Message

From: Schmid, Emily [schmid.emily@epa.gov]
Sent: 10/28/2020 2:21:30 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: Conversation with Schmid, Emily

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yep

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Thanks Emily! I'm tempted to mess with him and tell him it's still there, but I'm too afraid he made some other kind of mistake anyway.

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Ex. 6 Personal Privacy (PP)

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Monty will send in 1 minute.

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Thanks! I didn't think anyone wanted their name on this one. They'd have press contacting them and stuff.

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Okay, thanks!

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What has to be done next?

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Thanks

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How could he not get it right the first time?

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This is kind of normal stuff reviewers go through.

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It's more annoying now though. haha

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You bet! It just came now. Did you get it?

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yep

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I'll compare it and stamp it now.

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Thanks!

Kenny, Daniel 2:59 PM:

Thanks Emily! I'm tempted to mess with him and tell him it's still there, but I'm too afraid he made some other kind of mistake anyway.

Schmid, Emily 3:00 PM:

hahaha

Schmid, Emily 3:01 PM:

It looks good!

Schmid, Emily 3:01 PM:

(whew)

Kenny, Daniel 3:01 PM:

Whew!!

Kenny, Daniel 3:25 PM:

Let me know if you hear back from Francisco before I do about the QA/QC.

Schmid, Emily 3:26 PM:

I did. I had the decision number wrong in the reg notice

Schmid, Emily 3:26 PM:

Is it okay if I just fix it or do you want to sign again?

Kenny, Daniel 3:27 PM:

Just fix it and send me a copy so I can swap it in my records too.

Schmid, Emily 3:27 PM:

Okay, I'll do that thanks!

Message

From: Schmid, Emily [schmid.emily@epa.gov]
Sent: 10/27/2020 7:13:41 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: Conversation with Schmid, Emily

Schmid, Emily 10:45 AM:

Let me know if you need me to do anything. :)

Kenny, Daniel 10:46 AM:

Thanks Emily! You can definitely help me whip the terms into the reg notices when the time comes. I'm still waiting for the concurrences from all three companies, and am worried that there will be comments still. Hopefully nothing we can't just glance at and say OK.

Schmid, Emily 10:46 AM:

Okay. I'm ready whenever it happens.

Kenny, Daniel 10:47 AM:

I wonder if it's worth getting a head start, and then if there's any changes they are asking for that we're OK with just dropping them into the draft notices?

Kenny, Daniel 10:47 AM:

Sarah is going to run a docucomp when we get them back to make sure they didn't monkey around with other stuff.

Schmid, Emily 10:48 AM:

I can do that. So just put them into the documents as you sent them out last night?

Kenny, Daniel 10:48 AM:

They have until 11:00 to send us a response, but I bet they'll be late.

Kenny, Daniel 10:48 AM:

As I sent them out this morning.

Kenny, Daniel 10:48 AM:

Let me know if you need me to send you copies directly.

Schmid, Emily 10:48 AM:

I'll start with BASF. I'll bet they'll have the least changes.

Kenny, Daniel 10:49 AM:

Everyone else has basically approved everything already, so they should be OK too.

Schmid, Emily 10:49 AM:

Okay. It sounds like it is worth starting on then. Thanks!

Kenny, Daniel 11:07 AM:

We got Syngenta's concurrence (they found one typo). That's one!

Schmid, Emily 11:07 AM:

Yay!

Schmid, Emily 11:07 AM:

I was just about to ask, do they need to send it back to us or is it okay if they just said it was okay?

Kenny, Daniel 11:08 AM:

An emailed OK is fine. We should probably add that to the jacket though.

Schmid, Emily 11:09 AM:

Good thinking. I'll make a note of that.

Schmid, Emily 11:16 AM:

I don't understand Monty's comment. Can you see the snip he sent of where the extra of should go? It didn't come through on mine.

Schmid, Emily 11:16 AM:

This is the sentence

Schmid, Emily 11:16 AM:

1. Syngenta must keep records of all field evaluations and all grower or user reports of lack efficacy or "likely resistance" for a period of 3 years and make such copies available to EPA upon request.

Schmid, Emily 11:16 AM:

nevermind

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Message

From: Kenny, Daniel [kenny.dan@epa.gov]
Sent: 7/14/2020 6:09:18 PM
To: Tindall, Kelly [tindall.kelly@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Wagman, Michael [Wagman.Michael@epa.gov]; Metzger, Michael [Metzger.Michael@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Wyatt, TJ [Wyatt.Tj@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Farruggia, Frank [Farruggia.Frank@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Nguyen, Khue [Nguyen.Khue@epa.gov]; Garrison, Scott [Garrison.Scott@epa.gov]; Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]; O'Neill, Sandra [O'Neill.Sandra@epa.gov]; Orłowski, John [Orłowski.John@epa.gov]; +1 (703) 475-8579 [+1 (703) 475-8579@epa.gov]; Overbey, Dian [Overbey.Dian@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Appleyard, Moana [Appleyard.Moana@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Kells, Bradley [kells.bradley@epa.gov]; Chism, William [Chism.Bill@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Knorr, Michele [knorr.michele@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
Subject: Dicamba Weekly Team Meeting

Wyatt, TJ 1:18 PM:

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note: there are states saying that incidents are coming AFTER (2-3 weeks after) cutoff dates. People still aren't complying. Maybe the incidents will decrease, but there will likely be some regardless of a cutoff dates.

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Kaul, Monisha 1:39 PM:

Engenia cover letter states labels are identical except for a rate change in sugarcane. No new data are planned to be submitted.

XtendiMax cover letter says to use the previously submitted information and that they plan to submit a revised label to address drift/volatility concerns.

Chism, William 1:44 PM:

Can we get the United Soybean Board, Cotton Council, and Ag Retailors Association support us otherwise noncompliance problem will not change.

Kimberly Nesci 2:05 PM:

Maybe an outline for the briefing?

Matuszko, Jan 2:05 PM:

I think that would be helpful

Sarah Meadows 2:05 PM:

Definitely

Echeverria, Marietta 2:08 PM:

does timeline work for BEAD?

Echeverria, Marietta 2:08 PM:

@kn?

Kimberly Nesci 2:08 PM:

We'd prefer to get the outline by Thurs am, if possible

Message

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Sent: 7/14/2020 5:50:42 PM
To: Tindall, Kelly [tindall.kelly@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Wagman, Michael [Wagman.Michael@epa.gov]; Metzger, Michael [Metzger.Michael@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Wyatt, TJ [Wyatt.Tj@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Farruggia, Frank [Farruggia.Frank@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Nguyen, Khue [Nguyen.Khue@epa.gov]; Garrison, Scott [Garrison.Scott@epa.gov]; Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]; O'Neill, Sandra [ONeill.Sandra@epa.gov]; Orłowski, John [Orłowski.John@epa.gov]; +1 (703) 475-8579 [+1 (703) 475-8579@epa.gov]; Overbey, Dian [Overbey.Dian@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Appleyard, Moana [Appleyard.Moana@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Kells, Bradley [kells.bradley@epa.gov]; Chism, William [Chism.Bill@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Knorr, Michele [knorr.michele@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
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Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/29/2020 12:37:10 PM
To: Steven Callen [steven.callen@bayer.com]
CC: George Sabbagh [george.sabbagh@bayer.com]; Kenny, Daniel [Kenny.Dan@epa.gov]; BCSReg_Archive [esepamailbox@bayer.com]
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

Thanks Steven! And sorry about the error.

From: Steven Callen <steven.callen@bayer.com>
Sent: Wednesday, October 28, 2020 4:33 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: George Sabbagh <george.sabbagh@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

Hi Emily,

Thanks very much! If I find anything else, I'll let you know.

All the best,
Steven

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, October 28, 2020 2:56 PM
To: Steven Callen <steven.callen@bayer.com>
Cc: George Sabbagh <george.sabbagh@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

Hi Steven,

Thank you for bringing this to our attention. We'll issue a correction. If you notice anything else, please let us know.

Best regards,
Emily

From: Steven Callen <steven.callen@bayer.com>
Sent: Wednesday, October 28, 2020 1:03 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: George Sabbagh <george.sabbagh@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: XtendiMax (264-1210) Terms & Conditions Typo

Hi Emily,

Thanks to you and all the EPA team for your work on these dicamba registrations.

We noticed that on page 2 of the new Terms and Conditions for XtendiMax (264-1210) that there is a typo regarding the registration expiration. It indicates the expiration is December 20, 2020 rather than in 2025. Is it possible for this to be corrected? I highlighted the text in the attached file.

Thanks!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Crop Protection Regulatory Manager
Broad Acre and Trait Uses

////////////////

Bayer U.S. – Crop Science
North America Crop Protection Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
Cell: +1 (314) 302-9391
E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

/// Follow Bayer on:
/// [Twitter](#) /// [Facebook](#) /// [Instagram](#) /// [LinkedIn](#) /// [YouTube](#)

/// Follow me on:
/// [Twitter](#) /// [LinkedIn](#)

Message

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To: Schmid, Emily [Schmid.Emily@epa.gov]
CC: George Sabbagh [george.sabbagh@bayer.com]; Kenny, Daniel [Kenny.Dan@epa.gov]; BCSReg_Archive [esepamailbox@bayer.com]
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Attachments: XtendiMax_264-1210_TermsCond_20201027.pdf

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Web: <http://www.bayer.com>

/// Follow Bayer on:
/// [Twitter](#) /// [Facebook](#) /// [Instagram](#) /// [LinkedIn](#) /// [YouTube](#)

/// Follow me on:
/// [Twitter](#) /// [LinkedIn](#)

Message

From: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Sent: 4/8/2020 4:01:19 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: FW: Bayer VGX Bibliography - Dicamba

Dan – can you look this email thread over.

It's a back and forth with EFED – related to 'in tact'.

It looks like Mark received some direction from Meg and Jan is asking questions about it. Can you add your voice in on this? Thanks

From: Rosenblatt, Daniel
Sent: Wednesday, April 8, 2020 11:59 AM
To: Matuszko, Jan <Matuszko.Jan@epa.gov>
Cc: Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: Bayer VGX Bibliography - Dicamba

Thanks Jan.

Yes – from a grower standpoint – they already have permission to rely on the 'in tact' drift mitigation agent – as a tank mix option. So I don't think this represents an important advance for the grower community.

I think more generally – we'd want all registrants to try and come as close as possible to the May 2020 submission date – and apply that more across-the-board to all of the registrants and data types.

Also – from RD's standpoint your close review of the 1. conditional data, 2. data from WSSA and the 3. incident bucket all would be more critical and higher priority– in my opinion.

But specific to this thread here- I'd like to pass it to Dan Kenny and ask him to help coordinate things.

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Wednesday, April 8, 2020 11:36 AM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Corbin, Mark <Corbin.Mark@epa.gov>
Subject: FW: Bayer VGX Bibliography - Dicamba

Good morning Dan,

I thought I would check in with you regarding this request. My last recollection was that we were going to follow-up with them to see what their "ask" really is. Also, I think I heard that this was not our priority. Meg's recent request doesn't seem to jive with that. What am I missing? It's hard to respond to this request without knowing what we are expected to do with the information.

Jan

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Wednesday, April 8, 2020 10:53 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>

Cc: Anderson, Brian <Anderson.Brian@epa.gov>

Subject: FW: Bayer VGX Bibliography - Dicamba

FYI

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Wednesday, April 08, 2020 10:52 AM

To: Corbin, Mark <Corbin.Mark@epa.gov>

Cc: Farruggia, Frank <Farruggia.Frank@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Sankula, Sujatha <Sankula.Sujatha@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>

Subject: FW: Bayer VGX Bibliography - Dicamba

Hello Mark:

Following up from the dicamba adjuvant call Bayer had with our office last week, Bayer has provided the attached bibliography of VaporGrip X (MON 51817) spray drift and volatility data.

As noted on the cover page of this document, Bayer/Monsanto say that this is a list of “study data that has been or can be made available to EFED for evaluating the impact on spray drift and volatility characteristics of dicamba when additional VaporGrip is added as a tank mix buffering agent (VaporGrip X).” They have provided MRID numbers for data already submitted to the Agency.

Please take a look at this list and let me know if there is anything if we want to ask Bayer for at this time. If so, Bayer requests that we convey to them if there is a priority shortlist of data that Bayer should prioritize getting to EPA first. Bayer may also try to bring up this list during tomorrow’s 6a2 call at 11am, so keep that in mind too.

Thanks,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>

Sent: Monday, April 06, 2020 7:21 AM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

Hello Meg,

Attached is a copy of the bibliography listing the studies that were mentioned in the presentation last week.

Please, let me know if you have questions.

Freundliche Grüße / Best regards,